DOCKET NO. 2010-1706-IWD

Application by CAPITOL AGGREGATES For TPDES Permit No. WQ0000151000	§ § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (the TCEQ or Commission) files this Response to Hearing Request ("Response") on the application by the Capitol Aggregates (Applicant) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0001510000. One hearing request was received from: Ms. Santa Garcia.

A copy of the draft permit, a compliance history report prepared by the Executive Director's staff, the Executive Director's Response to Public Comment (RTC), a map of the facility, the affected landowners list and map, and the technical summary have been filed with this Response as Exhibits A through F respectively. Copies were also provided to all parties.

II. Description of the Facility

The Applicant operates the San Antonio Portland Cement Plant, a portland and masonry cement manufacturing facility. The Applicant has requested a major amendment to its existing permit to authorize the addition of the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfalls 001 and 002; to revise Other Requirement No. 3 of the draft permit to allow the discharge of cooling tower blowdown; and to remove the authorization to discharge wastewater via Outfall 003. The proposed draft permit would authorize the discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air compressor condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water on an intermittent and flow variable basis via Outfalls 001 and 002.

The discharge route is to unnamed tributaries of Salado Creek, then to Salado Creek in Segment No. 1910 of the San Antonio River Basin. The facility is located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, Bexar County, Texas.

III. Procedural Background

The application was received on September 3, 2009, declared administratively complete on November 18, 2009, and declared technically complete on February 19, 2010. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published in Spanish in *La Prensa de San Antonio* on November 25, 2009 and in English in the *San Antonio Express – News* November 20, 2009. The Executive Director prepared a draft permit and the Notice of Application and Preliminary Decision (NAPD) was published in *Conexion* on June 10, 2010 and the *San Antonio Express – News* on June 10, 2010. The public comment period ended on July 12, 2010. A public meeting was requested, but none was held because there was no substantial or significant public interest or a legislative request. This application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

IV. Evaluation Process for Hearing Requests

The regulations governing requests for contested case hearings are found at Title 30 of the Texas Administrative Code (TAC) Chapter 55. 30 TAC §§ 55.201(c) and (d) require that a request for a contested case hearing must comply with the following:

1) be in writing;
2) be timely filed;
3) request a contested case hearing;
4) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
5) provide any other information specified in the public notice of application; and
6) raise disputed issues.

In addition to requesting a contested case hearing, a person must be an "affected person" as defined in 30 TAC § 55.203(a). The rule defines an affected person as "one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

In making an "affected person" determination, 30 TAC § 55.203(c) lists factors to consider, including:

1) whether the interest claimed is one protected by the law under which the application will be considered;
2) distance restrictions or other limitations imposed by law on the affected interest;
3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
4) the likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
5) the likely impact of the regulated activity on use of the impacted natural resource by the person; and
6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

If the Commission determines that the hearing request is timely and that the requestor is an affected person, the Commission applies the following test from 30 TAC § 55.211(b) to the issues raised to determine if any of the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing:

1) does the issue involve questions of fact, not questions strictly of law or policy;
2) was it raised during the public comment period;
3) was it withdrawn; and
4) is it relevant and material to the Commission's decision on the application.

V. Analysis of the Requests

1. Whether the Requestor Complied with 30 TAC §§ 55.201(c) and (d)?

The requestor timely submitted her request in writing, she included a mailing address, she referenced the permit number, she identified a disputed issue of concern (although not relevant and material to the application) in her letter, and she requested a contested case hearing.

The Executive Director concludes that Ms. Garcia substantially complied with 30 TAC §§ 55.201(c) and (d) by timely filing a written hearing request and providing the information requested in her letter.

2. Whether the Requestor Met Requirements of an Affected Person?

With its application, the Applicant was required to supply an affected landowners list and map. The instructions for completing the application instruct applicants to clearly show the highlighted discharge route for one mile downstream from the point of discharge and the property boundaries of all landowners surrounding the point of discharge and on both sides of the discharge route for one full stream mile

downstream of the point of discharge. The map that the Applicant submitted lists Charles R. and Santa Garcia as affected landowners, and their address as 10851 Edgecrest, San Antonio, TX 78217. The affected landowners list and map are attached to this Response as Exhibit E.

Based on the Applicant's affected landowner list, the Executive Director's staff has determined Ms. Garcia's address to be approximately 0.2 miles from the Applicant's main property boundary and along the discharge route within one mile of the discharge point. The estimated location of Ms. Garcia's property based on the address she provided and the Applicant's adjacent landowners list and map is shown on the map in Exhibit D.

The Executive Director concludes that Ms. Garcia is an affected person based on the affected landowner map submitted by the Applicant.

3. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing?

In addition to recommending to the Commission those persons who qualify as affected persons, the Executive Director analyzes issues raised in accordance with the regulatory criteria. The following issues were raised during the comment period and not withdrawn.

1. Whether the proposed discharge will "further impact the existing flooding issues in the receiving stream."

This issue is not relevant and material to the commission's determination in this case. The wastewater permitting process is limited to controlling the discharge of pollutants into waters in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. Flooding related issues are not relevant to the wastewater permitting process and as such not considered in reviewing a wastewater discharge permit unless there is a potential impact to water quality. In the response to comment filed in this case, the Executive Director provided information to the requestor on how to address flooding issues. The requestor was directed to contact the local floodplain administrator for his area. The requestor was also directed to call the TCEQ Resource Protection Team at 512/239-4691 for assistance in locating the local floodplain administrator for her area.

The TCEQ does not address flooding issues in the wastewater permitting process, unless there is a potential impact to water quality. In this case, the draft permit includes effluent limits and other requirements that the Applicant must meet, even during rainfall events and periods of flooding.

Finally, the discharges from this facility are intermittent. The facility last reported a discharge of wastewater via Outfall 001 in November of 2004, and via Outfalls 002 and 003 in November of 2007.

The Executive Director concludes that although Ms. Garcia appears to be an affected person, she has failed to raise any issues that can be referred to SOAH. Since the sole issue raised in her request for hearing is not a referable issue because it is not relevant and material to the Commission's decision on this permit application, the Executive Director therefore recommends denial of the hearing request.

VI. Duration for the Contested Case Hearing

The Executive Director recommends that the duration for the contested case hearing, should there be one, be four months from the preliminary hearing on the matter to presentation of a proposal for decision before the Commission.

EXECUTIVE DIRECTOR'S RECOMMENDATION

Although Ms. Garcia appears to be an affected person, she has failed to raise any issues that can be referred to SOAH. Therefore, the Executive Director recommends that the Commission deny Ms. Garcia's request for hearing.

Respectfully submitted,
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G., Executive Director

Robert Martinez, Director
Environmental Law Division

By: _____

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ATTORNEY FOR
THE EXECUTIVE DIRECTOR

CERTIFICATE OF SERVICE

I certify that on January 14, 2011, the original and seven copies of the "Executive Director's Response to Hearing Request" for Permit No. WQ0001510000 were filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk; a complete copy with attachments and exhibits was either faxed, mailed, or both faxed and mailed to the requestor, the applicant, the Public Interest Counsel, and the director of the Office of Public Assistance.

Alicia M. Lee, Staff Attorney
Environmental Law Division
State Bar No. 24032665

Mailing List
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DOCKET NO. 2010-1706-IWD; PERMIT NO. WQ0001510000

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LIST OF EXHIBITS

Application by the Capitol Aggregates for TPDES Permit No. WQ0010569001
TCEQ Docket No. 2010-1706-IWD

Exhibit A — Draft Permit No. WQ0001510000

Exhibit B — Compliance History

Exhibit C — Executive Director's Response to Public Comment

Exhibit D — Map of Facility

Exhibit E — Affected landowners list and map

Exhibit F — Technical Summary

TPDES PERMIT NO. WQ0001510000
[For TCEQ office use only -
EPA I.D. No. TX0030040]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O Box 13087
Austin, Texas 78711-3087

This permit supersedes and replaces TPDES Permit No. WQ0001510000 issued on March 30, 2005.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Capitol Aggregates, Ltd.

whose mailing address is

P.O. Box 33240
San Antonio, Texas 78265

is authorized to treat and discharge wastes from the San Antonio Portland Cement Plant, a portland and masonry cement manufacturer (SIC 3241)

located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, Bexar County, Texas

to unnamed tributaries of Salado Creek; thence to Salado Creek in Segment No. 1910 of the San Antonio River Basin

only according to effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight on March 1, 2015.

ISSUED DATE:

For the Commission

EXHIBIT
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A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR WATER QUALITY TPDES PERMIT AMENDMENT FOR INDUSTRIAL WASTEWATER

TPDES Permit No. WQ0001510000

APPLICATION AND PRELIMINARY DECISION. Capitol Aggregates, Ltd., P.O. Box 33240, San Antonio Texas 78265, which operates the San Antonio Portland Cement Plant, a portland and masonry cement manufacturer, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TPDES Permit No. WQ0001510000 to authorize the addition of the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfalls 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003. The current permit authorizes the discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, and storm water on an intermittent and flow variable basis via Outfalls 001, 002, and 003. This application was submitted to the TCEQ on September 3, 2009.

The facility is located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, Bexar County, Texas 78217. The effluent is discharged to unnamed tributaries of Salado Creek; thence to Salado Creek in Segment No. 1910 of the San Antonio River Basin. The unclassified receiving waters have no significant aquatic life use for the unnamed tributaries of Salado Creek. The designated uses for Segment No. 1910 are high aquatic life use, contact recreation, and public water supply/aquifer protection.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the Salado Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the San Antonio Central Library, 600 Soledad Street, San Antonio, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider the comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address; phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.state.tx.us/about/comments.html within 30 days from the date of newspaper publication of this notice.

AGENCY CONTACTS AND INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Further information may also be obtained from Capitol Aggregates, Ltd. at the address stated above or by calling Mr. Paul Detterline at 210-871-7214.

Issued:

Agenda Caption (save to I:/EVERYONEwq/caption/WQ0001510000 with no filename extension):

AGENDA CAPTION FOR PERMIT NO. WQ0001510000

Capitol Aggregates, Ltd., which operates the San Antonio Portland Cement Plant, a portland and masonry cement manufacturer has applied for a major amendment to TPDES Permit No. WQ0001510000 to authorize the addition of the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfall 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003. The current permit authorizes the discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, and storm water on an intermittent and flow variable basis via Outfalls 001, 002, and 003. The facility is located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, Bexar County, Texas 78265.

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air compressor condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water subject to the following effluent limitations:

Volume: Intermittent and flow variable.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow (MGD)	(Report)	(Report)	N/A	1/day (*2)	Estimate
Total Suspended Solids	N/A	50 (*1)	75 (*1)	1/day (*2)	Composite
Chemical Oxygen Demand	N/A	250	250	1/year (*2)	Grab
Inlet Temperature (°F)	(Report)	(Report)	N/A	1/day (*2)	Record
Outfall Temperature (°F)	(Report)	(Report)	N/A	1/day (*2)	Record
Temperature Rise (°F) (Outfall Temp. – Inlet Temp.) (*3)	N/A	(5.5)	N/A	1/day (*2)	Record

(*1) Effluent limitations do not apply to discharges directly resulting from the 10-year, 24-hour rainfall event. See Other Requirements No. 7.
(*2) When discharging.
(*3) See Other Requirement No. 8.

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units (*1) and shall be monitored 1/day (*2), by grab sample.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

4. Effluent monitoring samples shall be taken at the following locations:

a. At Outfall 001, where wastewater discharges from Retention Pond 1 and prior to commingling with any other waters.

b. At Outfall 002, after the discharge pipe from Pond 2 connects with the discharge pipe from Pond 3, and prior to commingling with any other waters.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in Texas Water Code §26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder, and limited to major domestic wastewater discharge facilities with a one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

      ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

   b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

   c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

   d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

      The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

e. Bacteria concentration (Fecal coliform, E. coli, or Enterococci) – the number of colonies of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements of made in a calendar month. For any measurement of bacteria equaling zero, a substitute value of one shall made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (b).

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes .

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act; TCW Chapters 26, 27, and 28; and THSC Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR §264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time, and place of sample or measurement;
ii. identity of individual who collected the sample or made the measurement.
iii. date and time of analysis;
iv. identity of the individual and laboratory who performed the analysis;
v. the technique or method of analysis; and
vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

7. Noncompliance Notification

a. In accordance with 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

i. Unauthorized discharges as defined in Permit Condition 2(g).
ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

c. In addition to the above, any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. One hundred micrograms per liter (100 µg/L);
ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 µg/L);
ii. One milligram per liter (1 mg/L) for antimony;
iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

11. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Executive Director of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA §301 or §306 if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purpose of this paragraph, adequate notice shall include information on:

i. The quality and quantity of effluent introduced into the POTW; and
ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

i. Violation of any terms or conditions of this permit;
ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§305.62 and 305.66 and TWC §7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC §305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility that does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC §7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

   a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

      i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC §305.534 (relating to New Sources and New Dischargers); or

      ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;

      iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

   c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

   d. Prior to accepting or generating wastes that are not described in the permit application or that would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

   e. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

   f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA §307(a)for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

   This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

   Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to Texas Water Code Chapter 11.

8. Property Rights

   A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

i. the permittee;
ii. an entity (as that term is defined in 11 USC, §101(15)) controlling the permittee or listing the permit or permittee as property of the estate; or
iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

b. This notification must indicate:

i. the name of the permittee;
ii. the permit number(s);
iii. the bankruptcy court in which the petition for bankruptcy was filed; and
iv. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

b. The permittee shall submit a closure plan for review and approval to the Land Application Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).

7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility that reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission, and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

   c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:

   a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

   b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC Code Chapter 361.

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OTHER REQUIREMENTS

1. Violations of daily maximum limitations for the following pollutants shall be reported orally or by facsimile to TCEQ Region 13, within 24 hours from the time the permittee becomes aware of the violation followed by a written report within five working days to TCEQ Region 13 and the Enforcement Division (MC 224): None.

2. There is no mixing zone established for this discharge to an intermittent stream. Acute toxic criteria apply at the point of discharge.

3. PROHIBITED DISCHARGES

   a. The discharge of domestic sewage is not authorized.

   b. The discharges of process wastewater is not authorized.

4. Monitoring results shall be provided at the intervals specified in the permit. For pollutants which are monitored annually, effluent reports shall be submitted in September of each year.

5. These ponds are authorized for treatment and disposal. Please note all dimensions are approximate.

Pond	Capacity	Associated Outfall	Liner
Retention Pond 1	6.2 MG	001	Compacted Clay
Retention Pond 2	16.9 MG	002	Compacted Clay
Quarry Pond	87.7 MG	002	In-Situ Clay

6. Wastewater contained within Retention Ponds 1 and 2 and the Quarry Pond is authorized for on-site reuse in dust suppression activities.

7. The permittee shall continue to monitor and report total suspended solids and pH as required on Page 2 of this permit. The 10 year, 24 hour rainfall event is defined as a rainfall event with a probable recurrence interval of once in ten years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information.

8. The permittee shall calculate the temperature rise between the inlet point where water is withdrawn from the storage ponds for use at the facility and Outfalls 001 and 002 discharge points on days when discharge occurs. The permittee shall calculate the temperature rise by subtracting the inlet temperature value from the outfall temperature value. This requirement only applies when the facility withdraws water from the storage ponds on the same day as a discharge occurs.

9. The permittee shall use its best efforts to sample and analyze wastewater discharged via Outfalls 001 and 002 for the pollutants listed in Attachment 1, Table 1 of this permit for (2) separate sampling events for each outfall before the end of the term of the permit. The permittee shall conduct the analytical testing from the first two available discharges at each outfall. Because discharges from the outfalls may not occur at the same time and may be separated by significant periods, the permittee shall complete a copy of Attachment 1 with the analytical results for each sampling event for each outfall and send Attachment 1 to the TCEQ, Wastewater Permitting Section (MC-148), Industrial Permits Team, within one month of receiving final, complete results for a discharge from either outfall. Based upon technical review of the submitted analytical results, the TCEQ staff may initiate an amendment to this permit to include additional effluent limitations and/or monitoring requirements. It shall not be a violation of this provision that discharges do not occur during the term of the permit such that the permittee can conduct some or all of the sampling events.

Attachment 1
Table 1

Outfall No.: ☐C ☐G	Effluent Concentration (mg/l)					
Pollutants	Samp.	Samp.	Samp.	Samp.	Average	
BOD (5-day)						
CBOD (5-day)						
Chemical Oxygen Demand						
Total Organic Carbon						
Dissolved Oxygen						
Ammonia Nitrogen						
Total Suspended Solids						
Nitrate Nitrogen						
Total Organic Nitrogen						
Total Phosphorus						
Oil and Grease						
Total Residual Chlorine						
Total Dissolved Solids						
Sulfate						
Chloride						
Fluoride						
Fecal Coliform						
Temperature (°F)						
pH (Standard Units; min/max)						
	Effluent Concentration (µg/l)					MAL (µg/l)
Total Aluminum						30
Total Antimony						30
Total Arsenic						10
Total Barium						10
Total Beryllium						5
Total Cadmium						1
Total Chromium						10
Trivalent Chromium						N/A
Hexavalent Chromium						10
Total Copper						10
Cyanide						20
Total Lead						5
Total Mercury						0.2
Total Nickel						10
Total Selenium						10
Total Silver						2.0
Total Thallium						10
Total Zinc						5

STATEMENT OF BASIS/TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant:	Capitol Aggregates, Ltd., Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001510000 (TX0030040).
Regulated Activity:	Industrial Wastewater Permit.
Type of Application:	Major Amendment with renewal.
Request:	Major Amendment with Renewal to authorize the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfall 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003.
Authority:	Federal Clean Water Act §402; Texas Water Code §26.027; 30 TAC Chapter 305, Subchapters C-F, Chapters 307 and 319, Commission Policies; and EPA Guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed the permit be issued to expire on March 1, 2015 in accordance with 30 TAC §305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of its existing permit. The proposed amendment would authorize the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfall 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003.

PROJECT DESCRIPTION AND LOCATION

The applicant operates the San Antonio Portland Cement Plant, a portland and masonry cement manufacturer. Industrial activities at the site include: manufacture of portland and masonry cement; facilities for limestone quarrying, raw material storage and grinding, a cement manufacturing kiln and finish mills, intermediate product (clinker) and additive storage and grinding, finished product (cement) storage, solid fuel storage and milling, materials handling, and truck and railcar loading/unloading operations.

Storm water from process and non-process areas of the facility are routed to Retention Pond 1 (Outfall 001) and Retention Pond 2 and the Quarry Pond (Outfall 002). Vehicle/plant wash down water and materials/roads dust suppression water may commingle with the storm water routed to Retention Ponds 1 and 2 and the Quarry Pond. Cooling tower blowdown and air compressor condensate are routed to a tank for storage or reuse prior to being routed to Ponds 1 or 2. Most wastewaters are captured in Ponds 1 and 2 and are recycled as dust suppression water for roads and stockpiles and wash down water. Discharges from Outfalls 001 and 002 are intermittent and flow variable, typically caused by precipitation greater than the 10 year, 24 hour rainfall event. Process wastewater from cement manufacturing is completely recycled and is not discharged via Outfalls 001 or 002. Domestic sewage is discharged directly to San Antonio Water System for treatment and disposal.

The plant site is located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, Bexar County, Texas.

The effluent is discharged to unnamed tributaries of Salado Creek; thence to Salado Creek in Segment No. 1910 of the San Antonio River Basin. The unclassified receiving waters have no significant aquatic life use for unnamed tributaries of Salado Creek. The designated uses for Segment No. 1910 are high aquatic life use, contact recreation, and public water supply/aquifer protection. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Salado Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Salado Creek (Segment No. 1910) is currently listed on the State's inventory of impaired and threatened waters, the 2008 303(d) list. The impairments are for harmed fish community and harmed macrobenthic community. The impairments are from Roland Road to Rice Road (AU 1910_03) and from Highway 368 to approximately 1.5 miles upstream of Loop 410 (AU 1910_07). Upper Leon Creek (Segment 1907) is not listed on the 303(d) list.

The discharge from this facility is extremely intermittent and flow variable. The effluent from the facility will be screened against the criteria established in the Texas Surface Water Quality Standards (TSWQS) to be protective of aquatic life in Salado Creek once the facility has a discharge. Based on this screening the TCEQ may reopen the permit to impose water quality-based limits to the discharge if these limits are found to be necessary to ensure protection of the aquatic life in Salado Creek. Due to the extremely infrequent discharge from the facility, the distance of the facility in stream miles from the segments listed as impaired, the types of impairments listed for Segment No. 1910, and the application of the criteria found in the TSWQS for the protection of aquatic life, the TCEQ does not believe the discharge from this facility will further contribute to the impairment for Segment No. 1910.

On October 12, 2001, the Texas Commission on Environmental Quality (TCEQ) adopted One Total Maximum Daily Load for Dissolved Oxygen in Salado Creek. The U.S. Environmental Protection Agency (USEPA) approved the TMDL on August 8, 2003. The TMDL determined that there is additional assimilative capacity in Salado Creek for oxygen-demanding materials beyond those currently authorized. Since no load reductions are required for discharge facilities, no specific TMDL related permit conditions are required at this time.

On August 8, 2007, the Texas Commission on Environmental Quality (TCEQ) adopted Three Total Maximum Daily Loads for Bacteria in the San Antonio Area. The U.S. Environmental Protection Agency (USEPA) approved the TMDL on April 21, 2009. This document describes a project developed to address water quality impairments related to bacteria for three streams located in and around the City of San Antonio: Salado Creek, Segment 1910; Walzem Creek, Segment 1910A; and the Upper San Antonio River, Segment 1911. The facility discharges on an extremely infrequent basis, and has no known sources of concern for bacteria in its process. No action has been taken in regards

to this TMDL in this draft permit.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period September 2004 through December 2009. The "Average of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Maximum of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each parameter:

Flow

Outfall	Frequency	Average of Daily Avg (MGD)	Maximum of Daily Max (MGD)
001	Intermittent	0.079	11.3
002	Intermittent	No discharge	No discharge
003	Intermittent	0.714	10.02

Effluent Characteristics

Outfall	Parameter	Average of Daily Avg. mg/l	Maximum of Daily Max.mg/l
001	Total Suspended Solids	0.23	25
	Chemical Oxygen Demand	N/A	No data reported
	pH standard units (s.u.)	8.2 s.u. (min)	8.6 s.u. (max)
002	Total Suspended Solids	N/A	No discharge
	Chemical Oxygen Demand	N/A	No discharge
	pH standard units (s.u.)	N/A	No discharge
003	Total Suspended Solids	0.59	24
	Chemical Oxygen Demand	N/A	No data reported
	Dissolved Oxygen (min)	7.5 (daily avg.)	6.5 (daily min)
	pH standard units (s.u.)	7.56 s.u. (min)	8.47 s.u. (max)

The facility's compliance history indicates notices of violation (NOV) for exceeding permit parameters during the period reviewed above. All NOVs are for violating the dissolved oxygen daily average minimum limit of 2.0 mg/L at Outfall 003. These reported violations occurred during November and December of 2004, January and February of 2005, and July, August, September, October, and November of 2007. However, a review of the data reported for dissolved oxygen indicates that the facility was actually meeting the permitted effluent limit. It is believed these NOVs are due to issues regarding inputting dissolved oxygen minimum limits into the TCEQs electronic coding system. The TCEQ does not believe these violations indicate a compliance issue at the facility. The facility also has requested removal of Outfall 003 from the draft permit, therefore, no additional changes have been made to the draft permit in response to these violations. There was no data reported for chemical oxygen demand (COD) at Outfalls 001 or 003. The facility indicated on the discharge monitoring reports (DMRs) that there was no discharge via Outfalls 001 and 003 for the reporting period for COD in 2004 and 2006, no data is present for 2005, and no data was received for 2007-2009.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air conditioner condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water on an intermittent and flow variable basis via Outfall 001 and 002.

Final effluent limitations are established in the draft permit as follows:

Outfall Number	Pollutant	Daily Average	Daily Maximum
001	Flow (MGD)	(Report)	(Report)
	Total Suspended Solids	N/A	50 mg/L
	Chemical Oxygen Demand	N/A	250 mg/L
	Inlet Temperature (°F)	(Report)	(Report)
	Outfall Temperature (°F)	(Report)	(Report)
	Temperature Rise (°F) (Outfall Temp. – Inlet Temp.)	N/A	(5.5)
	pH	Between 6.0 and 9.0 standard units.	
002	Flow (MGD)	(Report)	(Report)
	Total Suspended Solids	N/A	50 mg/L
	Chemical Oxygen Demand	N/A	250 mg/L
	pH	Between 6.0 and 9.0 standard units.	

Effluent limitations for chemical oxygen demand at Outfalls 001 and 002 are continued from the existing permit based on best profession judgment (BPJ).

Effluent limits for total suspended solids and pH at Outfalls 001 and 002 have been continued from the existing permit and are based on 40 CFR 411, Cement Manufacturing, Subpart C, Material Storage Pile Runoff. Inlet and outfall temperature monitoring and reporting requirements and the limit placed in the temperature rise between inlet temperature and outfall temperature have been placed in the draft permit based on 40 CFR 411, Cement Manufacturing, Subpart A, Nonleaching Subcategory. See Appendix B for further discussion of 40 CFR 411 calculations.

SUMMARY OF CHANGES FROM APPLICATION

- Added Other Requirement No. 9 to the draft permit which requires the permittee to collect samples from the first two (2) available discharges from the facility and submit the results to the TCEQ for review.

- Monitoring and reporting requirements for inlet temperature from the storage ponds and outfall temperature, and a limit of 5.5 °F on the difference between the outfall and the inlet temperature values have been added to Page 2 of the draft permit at Outfalls 001 and 002 based on 40 CFR 411, Subpart A. Other Requirement No. 8 has been added to the draft permit to provide guidance for this new requirement.

See the next section for additional changes to the existing permit.

SUMMARY OF CHANGES FROM EXISTING PERMIT

- The permittee requested the following changes in their amendment request that the Executive Director has recommended granting.
- The applicant has requested that cooling tower blowdown, air compressor condensate, facility sink wastewater, and dust suppression water from the primary crusher be added to the list of authorized discharges for both Outfalls 001 and 002. This request has been granted. Other Requirement No. 3, Item b. has been revised to no longer restrict the discharge of cooling tower blowdown. 40 CFR 411, Subpart A has now been applied to the discharge via Outfalls 001 and 002 due to the addition of cooling tower blowdown and dust suppression water from the primary cursher.
- The applicant has requested Outfall 003 be removed from the draft permit. The wastewaters that previously discharged via Outfall 003 are now dicharged via Outfall 002.

The follwing additional changes have been made to the draft permit.

Other Requirement No. 7 has been revised to correct a typographical error and has been correct and to read "Rainfall Frequency Atlas of the United States".

BASIS FOR PROPOSED DRAFT PERMIT

The following items were considered in developing the proposed permit draft:

1. Application submitted September 3, 2009, and additional data submitted via electronic mail dated March 1, 2010, and March 8, 2010.
2. Existing permits: TPDES Permit No. WQ0001510000 issued March 30, 2005.
3. TCEQ Rules.
4. Texas Surface Water Quality Standards - 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002.
5. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.
6. Memos from the Water Quality Standards Team and the Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
7. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
8. EPA Effluent Guidelines: 40 CFR 411, Subparts A and C (BPT). A new source determination was performed and the discharge of cooling tower blowdown, dust suppression water from the primary crusher and materials storage runoff is not a new source as defined at 40 CFR Section 122.2.
9. Consistency with the Coastal Management Plan: N/A

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding. After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact Tres Koenings at (512) 239-1189.

_____ _____

Tres Koenings Date

Appendix A
Calculated Water Quality-Based Effluent Limits

The current permit authorizes discharge from Retention pond 1, pond 2, and the Quarry Pond through Outfalls 001, 002, and 003 respectively. The proposed draft permit will eliminate outfall 003. The facility only reported one discharge via Outfall 001 during the previous five years. Therefore, due to the lack of sufficient flow data, the reported flow during the single discharge reported for Outfall 001 on 11/30/2004 has been used to perform the calculations below.

TEXTOX MENU #2 - INTERMITTENT STREAM WITHIN 3 MILES OF A FRESHWATER PERENNIAL STREAM/RIVER

The water quality-based effluent limitations demonstrated below are calculated using:

Table 1, 2000 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 3, 2000 Texas Surface Water Quality Standards for Human Health
Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003

PERMITTEE INFORMATION

Permittee Name:	CAPITOL AGGREGATES LTD
TPDES Permit No.:	WQ0001510000
Outfall No.:	001 and 002
Prepared by:	Tres Koenings
Date:	December 11, 2009

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	unnamed tributaries of Salado Creek
Segment No.:	1910
TSS (mg/L):	4
pH (Standard Units):	7.17
Hardness (mg/L as $CaCO_3$):	204
Chloride (mg/L):	45
Effluent Flow for Aquatic Life (MGD):	11.3
Critical Low Flow [7Q2] (cfs) for intermittent:	0
Critical Low Flow [7Q2] (cfs) for perennial:	.10
Percent Effluent for Mixing Zone:	99.43
Percent Effluent for Zone of Initial Dilution:	100
Effluent Flow for Human Health (MGD):	4.5
Harmonic Mean Flow (cfs) for perennial:	.13
Percent Effluent for Human Health:	98.167
Public Water Supply Use?:	Yes

CALCULATE TOTAL/DISSOLVED RATIO:

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partitioning Coefficient (Kpo)*	*Dissolved Fraction (Cd/Ct)*		*Water Effects Ratio (WER)*	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	173978.75	0.59		1	Assumed
Cadmium	6.6	-1.13	831136.22	0.23		1	Assumed
Chromium (Total)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+3)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	375383.87	0.40		1	Assumed
Lead	6.45	-0.8	929719.64	0.21		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	222241.83	0.53		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed

Silver	6.38	-1.03	575278.59	0.30		1	Assumed
Zinc	6.1	-0.7	477043.53	0.34		1	Assumed

AQUATIC LIFE
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	*Acute Standard (ug/L)*	*Chronic Standard (ug/L)*	*WLAa*	*WLAc*	*LTAa*	*LTAc*	*Daily Avg. (ug/L)*	*Daily Max (ug/L)*
Aldrin	3	N/A	3.000	N/A	1.719	N/A	2.527	5.340
Aluminum	991	N/A	991.000	N/A	567.843	N/A	834.729	1765.992
Arsenic	360	190	610.529	324.067	349.833	249.531	366.811	776.043
Cadmium	73.264	1.805	316.833	7.849	181.545	6.044	8.884	18.796
Carbaryl	2	N/A	2.000	N/A	1.146	N/A	1.685	3.564
Chlordane	2.4	0.0043	2.400	0.004	1.375	0.003	0.005	0.010
Chlorpyrifos	0.083	0.041	0.083	0.041	0.048	0.032	0.047	0.099
Chromium (+3)	983.903	319.168	4573.919	1492.219	2620.856	1149.008	1689.042	3573.416
Chromium (+6)	15.700	10.6	15.700	10.661	8.996	8.209	12.067	25.529
Copper	36.072	23.000	90.235	57.865	51.705	44.556	65.498	138.570
Cyanide	45.78	10.69	45.780	10.751	26.232	8.278	12.169	25.746
4,4'-DDT	1.1	0.001	1.100	0.001	0.630	0.001	0.001	0.002
Dementon	N/A	0.1	N/A	0.101	N/A	0.077	0.114	0.241
Dicofol	59.3	19.8	59.300	19.913	33.979	15.333	22.540	47.686
Dieldrin	2.5	0.0019	2.500	0.002	1.433	0.001	0.002	0.005
Diuron	210	70	210.000	70.400	120.330	54.208	79.686	168.588
Endosulfan I (alpha)	0.22	0.056	0.220	0.056	0.126	0.043	0.064	0.135
Endosulfan II (beta)	0.22	0.056	0.220	0.056	0.126	0.043	0.064	0.135
Endosulfan sulfate	0.22	0.056	0.220	0.056	0.126	0.043	0.064	0.135
Endrin	0.18	0.0023	0.180	0.002	0.103	0.002	0.003	0.006
Guthion	N/A	0.01	N/A	0.010	N/A	0.008	0.011	0.024
Heptachlor	0.52	0.0038	0.520	0.004	0.298	0.003	0.004	0.009
Hexachlorocyclohexane (Lindane)	2	0.08	2.000	0.080	1.146	0.062	0.091	0.193
Lead	179.883	6.245	848.848	29.638	486.390	22.821	33.547	70.973
Malathion	N/A	0.01	N/A	0.010	N/A	0.008	0.011	0.024
Mercury	2.400	1.3	2.400	1.307	1.375	1.007	1.480	3.131
Methoxychlor	N/A	0.03	N/A	0.030	N/A	0.023	0.034	0.072
Mirex	N/A	0.001	N/A	0.001	N/A	0.001	0.001	0.002
Nickel	2587.190	287.328	4887.117	545.858	2800.318	420.311	617.857	1307.166
Parathion (ethyl)	0.065	0.013	0.065	0.013	0.037	0.010	0.015	0.031
Pentachlorophenol	10.760	6.793	10.760	6.832	6.166	5.260	7.733	16.360
Phenanthrene	30	30	30.000	30.172	17.190	23.232	25.269	53.461
Polychlorinated Biphenyls (PCBs)	2	0.014	2.000	0.014	1.146	0.011	0.016	0.034
Selenium	20	5	20.000	5.029	11.460	3.872	5.692	12.042
Silver, (free ion)	0.8	N/A	10.494	N/A	6.013	N/A	8.839	18.700
Toxaphene	0.78	0.0002	0.780	0.000	0.447	0.000	0.000	0.000
Tributlytin (TBT)	0.13	0.024	0.130	0.024	0.074	0.019	0.027	0.058
2,4,5 Trichlorophenol	136	64	136.000	64.366	77.928	49.562	72.856	154.137
Zinc	209.390	191.205	608.942	559.237	348.924	430.612	512.918	1085.153

HUMAN HEALTH
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	*Water and FW Fish (ug/L)*	*FW Fish Only (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Acrylonitrile	1.28	10.9	1.304	1.213	1.783	3.771
Aldrin	0.00408	0.00426	0.004	0.004	0.006	0.012
Arsenic	50	N/A	86.379	80.332	118.089	249.834
Barium	2000	N/A	2037.343	1894.729	2785.252	5892.607

Parameter	*Water and FW Fish (ug/L)*	*FW Fish Only (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Benzene	5	106	5.093	4.737	6.963	14.732
Benzidine	0.00106	0.00347	0.001	0.001	0.001	0.003
Benzo(a)anthracene	0.099	0.81	0.101	0.094	0.138	0.292
Benzo(a)pyrene	0.099	0.81	0.101	0.094	0.138	0.292
Bis(chloromethyl)ether	0.00462	0.0193	0.005	0.004	0.006	0.014
Cadmium	5	N/A	22.026	20.485	30.112	63.707
Carbon Tetrachloride	3.76	8.4	3.830	3.562	5.236	11.078
Chlordane	0.021	0.0213	0.021	0.020	0.029	0.062
Chlorobenzene	776	1380	790.489	735.155	1080.678	2286.332
Chloroform	100	1292	101.867	94.736	139.263	294.630
Chromiumd	100	3320	473.555	440.406	647.397	1369.663
Chrysene	0.417	8.1	0.425	0.395	0.581	1.229
Cresols	3313	13116	3374.859	3138.618	4613.769	9761.103
Cyanide	200	N/A	203.734	189.473	278.525	589.261
4,4'-DDD	0.0103	0.01	0.010	0.010	0.014	0.030
4,4'-DDE	0.0073	0.007	0.007	0.007	0.010	0.022
4,4'-DDT	0.0073	0.007	0.007	0.007	0.010	0.022
2,4'-D	70	N/A	71.307	66.316	97.484	206.241
Danitol	0.709	0.721	0.722	0.672	0.987	2.089
Dibromochloromethane	9.2	71.6	9.372	8.716	12.812	27.106
1,2-Dibromoethane	0.014	0.335	0.014	0.013	0.019	0.041
1,3-Dichloropropene (1,3- Dichloropropylene)	22.8	161	23.226	21.600	31.752	67.176
Dieldrin	0.00171	0.002	0.002	0.002	0.002	0.005
p-Dichlorobenzene	75	N/A	76.400	71.052	104.447	220.973
1,2-Dichloroethane	5	73.9	5.093	4.737	6.963	14.732
1,1-Dichloroethylene	1.63	5.84	1.660	1.544	2.270	4.802
Dicofol	0.215	0.217	0.219	0.204	0.299	0.633
Dioxins/Furans (TCDD Equivalents)	0.000000134	0.00000014	0.000	1.27E-07	1.87E-07	3.95E-07
Endrin	1.27	1.34	1.294	1.203	1.769	3.742
Fluoride	4000	N/A	4074.686	3789.458	5570.503	11785.214
Heptachlor	0.0026	0.00265	0.003	0.002	0.004	0.008
Heptachlor Epoxide	0.159	1.1	0.162	0.151	0.221	0.468
Hexachlorobenzene	0.0194	0.0198	0.020	0.018	0.027	0.057
Hexachlorobutadiene	2.99	3.6	3.046	2.833	4.164	8.809
Hexachlorocyclohexane (alpha)	0.163	0.413	0.166	0.154	0.227	0.480
Hexachlorocyclohexane (beta)	0.57	1.45	0.581	0.540	0.794	1.679
Hexachlorocyclohexane (gamma) (Lindane)	0.2	2	0.204	0.189	0.279	0.589
Hexachloroethane	84.2	278	85.772	79.768	117.259	248.079
Hexachlorophene	0.0531	0.053	0.054	0.050	0.074	0.156
Lead	4.98	25.3	23.939	22.263	32.727	69.238
Mercury	0.0122	0.0122	0.012	0.012	0.017	0.036
Methoxyclor	2.21	2.22	2.251	2.094	3.078	6.511
Methyl Ethyl Ketone	52900	9940000	53887.721	5.01E+04	7.37E+04	1.56E+05
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	10186.715	9473.64	13926.26	29463.035
Nitrobenzene	37.3	233	37.996	35.337	51.945	109.897
N-Nitrosodiethylamine	0.0382	7.68	0.039	0.036	0.053	0.113
N-Nitroso-di-n-Butylamine	1.84	13.5	1.874	1.743	2.562	5.421
PCB's (Polychlorinated Biphenyls)	0.0013	0.0013	0.001	0.001	0.002	0.004
Pentachlorobenzene	6.1	6.68	6.214	5.779	8.495	17.972
Pentachlorophenol	1	135	1.019	0.947	1.393	2.946
Pyridine	88.1	13333	89.745	83.463	122.690	259.569
Selenium	50	N/A	50.934	47.368	69.631	147.315
1,2,4,5-Tetrachlorobenzene	0.241	0.243	0.245	0.228	0.336	0.710
Tetrachloroethylene	5	323	5.093	4.737	6.963	14.732
Toxaphene	0.005	0.014	0.005	0.005	0.007	0.015

2,4,5-TP (Silvex)	47	50.3	47.878	44.526	65.453	138.476
2,4,5-Trichlorophenol	953	1069	970.794	902.838	1327.172	2807.827
Trichloroethylene	5	612	5.093	4.737	6.963	14.732
1,1,1-Trichloroethane	200	12586	203.734	189.473	278.525	589.261
TTHM (Sum of Total Trihalomethanes)	100	N/A	101.867	94.736	139.263	294.630
Vinyl Chloride	2	415	2.037	1.895	2.785	5.893

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS

Parameter	*70%*	*85%*
Aquatic Life		
Aldrin	1.769	2.148
Aluminum	584.310	709.520
Arsenic	256.768	311.790
Cadmium	6.219	7.552
Carbaryl	1.179	1.432
Chlordane	0.003	0.004
Chlorpyrifos	0.033	0.040
Chromium (+3)	1182.330	1435.686
Chromium (+6)	8.447	10.257
Copper	45.848	55.673
Cyanide	8.518	10.344
4,4'-DDT	0.001	0.001
Dementon	0.080	0.097
Dicofol	15.778	19.159
Dieldrin	0.002	0.002
Diuron	55.780	67.733
Endosulfan (alpha)	0.045	0.054
Endosulfan (beta)	0.045	0.054
Endosulfan sulfate	0.045	0.054
Endrin	0.002	0.002
Guthion	0.008	0.010
Heptachlor	0.003	0.004
Hexachlorocyclohexane (Lindane)	0.064	0.077
Lead	23.483	28.515
Malathion	0.008	0.010
Mercury	1.036	1.258
Methoxychlor	0.024	0.029
Mirex	0.001	0.001
Nickel	432.500	525.178
Parathion (ethyl)	0.010	0.013
Pentachlrophenol	5.41E+00	6.57E+00
Phenanthrene	17.689	21.479
Polychlorinated Biphenyls (PCBs)	0.011	0.014
Selenium	3.984	4.838
Silver, (free ion)	6.187	7.513
Toxaphene	0.000	0.000
Tributlytin (TBT)	0.019	0.023
2,4,5 Trichlorophenol	50.999	61.928
Zinc	359.043	435.980
Human Health		
Acrylonitrile	1.248	1.515
Aldrin	0.004	0.005
Arsenic	8266.21	100.375
Barium	194967.61	2367.46
Benzene	4.874	5.919

Benzidine	0.001	0.001
Benzo(a)anthracene	0.097	0.117
Benzo(a)pyrene	0.097	0.117
Bis(chloromethyl)ether	0.005	0.005
Cadmium	2107.865	25.596
Carbon Tetrachloride	3.665	4.451
Chlordane	0.020	0.025
Chlorobenzene	756.474	918.576
Chloroform	97.484	118.373
Chromiumd	453.178	550.287
Chrysene	0.407	0.494
Cresols	3229.638	3921.704
Cyanide	194.968	236.746
4,4'-DDD	0.010	0.012
4,4'-DDE	0.007	0.009
4,4'-DDT	0.007	0.009
2,4'-D	6823.866	82.861
Danitol	0.691	0.839
Dibromochloromethane	8.969	10.890
1,2-Dibromoethane	0.014	0.017
1,3-Dichloropropene (1,3- Dichloropropylene)	22.226	26.989
Dieldrin	0.002	0.002
p-Dichlorobenzene	7311.285	88.780
1,2-Dichloroethane	4.874	5.919
1,1-Dichloroethylene	1.589	1.929
Dicofol	0.210	0.255
Dioxins/Furans (TCDD Equivalents)	1.31E-07	1.59E-07
Endrin	1.238	1.503
Fluoride	389935.21	4734.93
Heptachlor	0.003	0.003
Heptachlor Epoxide	0.155	0.188
Hexachlorobenzene	0.019	0.023
Hexachlorobutadiene	2.915	3.539
Hexachlorocyclohexane (alpha)	0.159	0.193
Hexachlorocyclohexane (beta)	0.556	0.675
Hexachlorocyclohexane (gamma) (Lindane)	0.195	0.237
Hexachloroethane	82.081	99.670
Hexachlorophene	0.052	0.063
Lead	22.909	27.818
Mercury	0.012	0.014
Methoxyclor	2.154	2.616
Methyl Ethyl Ketone	5.16E+04	6.26E+04
Nitrate-Nitrogen (as Total Nitrogen)	9.75E+05	1.18E+04
Nitrobenzene	36.361	44.153
N-Nitrosodiethylamine	0.037	0.045
N-Nitroso-di-n-Butylamine	1.794	2.178
PCB's (Polychlorinated Biphenyls)	1.27E-03	1.54E-03
Pentachlorobenzene	5.947	7.221
Pentachlorophenol	0.975	1.184
Pyridine	85.883	104.287
Selenium	4874.190	59.187
1,2,4,5-Tetrachlorobenzene	0.235	0.285
Tetrachloroethylene	4.874	5.919
Toxaphene	0.005	0.006
2,4,5-TP (Silvex)	45.817	55.635
2,4,5-Trichlorophenol	929.021	1128.096
Trichloroethylene	4.874	5.919

1,1,1-Trichloroethane	194.968	236.746
TTHM (Sum of Total Trihalomethanes)	9748.380	118.373
Vinyl Chloride	1.950	2.367

APPENDIX B
CALCULATED TECHNOLOGY BASED EFFLUENT LIMITATIONS

40 CFR 411, Subpart A, Nonleaching Subcategory

The discharge of wastewater resulting from the process in which several different mineral ingredients are used in manufacturing cement via the non-leaching process, is regulated at 40 CFR Part 411, Cement Manufacturing Point Source Category, Subpart A, Nonleaching Subcategory.

40 CFR 411.12 – Effluent Limitations, BPT

Parameter	Daily Average	Daily Maximum
Total Suspended Solids	N/A	0.005 lbs / 1,000 lbs of product
Temperature	not to exceed 3 °C rise above inlet temperature	
pH	Between 6.0 and 9.0 standard units*	

Production data from the facility: ~958,931 tons of product per year.

(958,931 tons/year) * (2,000 lbs/ton) = 1,917,862,000 lbs/year

(1,917,862,000 lbs/year) / (365 day/year) = 5,254,416 lbs/day of product

5,254,416 lbs/day of product / 1,000 = 5,254 - K lbs of product

Total Suspended Solids Limitation calculation:

0.005 lbs TSS / 1,000 lbs of product

0.005 * 5,254 = 26 lbs/day

Temperature:

The temperature rise between the inlet and the outfall shall not be greater than 3 °C. Temperature monitoring and reporting requirements have been imposed at the point where water is pumped from the storage ponds for use at the facility and at Outfalls 001 and 002, where the storage ponds discharge. The facility is required to monitor both of these temperature values and subtract the inlet temperature value from the outfall temperature value and report the difference. Per the EPA's Development Document for Effluent Limitations and Guidelines and New Source Performance Standards for the Cement Manufacturing Category a 3 °C temperature rise is equivalent to a 5.5 °F difference. Therefore, the effluent limit has been set at a difference of no greater than 5.5 °F. Since the facility is operated for the most part as a closed loop system, with only one reported discharge occurring from the facility in the previous five years. The monitoring requirement for the inlet temperature is only required to be taken on those days when discharge occurs.

40 CFR 411, Subpart C, Material Storage Pile Runoff Subcategory

The discharge of material storage pile runoff is regulated at 40 CFR Part 411, Cement Manufacturing Point Source Category, Subpart C, Materials Storage Pile Runoff Subcategory.

The following definitions and effluent limitations are applicable to the discharge of materials storage runoff at Outfalls 001 and 002:

40 CFR 411.31 - Definitions

The term 10 year, 24 hour rainfall event shall mean a rainfall event with a probable recurrence interval of once in ten years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

40 CFR 411.32 - Effluent Limitations, BPT

Parameter	Daily Average	Daily Maximum	Single Grab
Total Suspended Solids	N/A	50 mg/L*	N/A
pH	Between 6.0 and 9.0 standard units*		

*These effluent limitations are not applicable when a discharge is caused by an extreme rainfall event from a retention pond that is designed, constructed, and operated to contain the 10-year, 12-hour rainfall event.

The discharge at Outfalls 001 and 002 consists of variable volumes of material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air conditioner condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water. The applicant has indicated that over 99% of the water discharged is storm water runoff from the material storage piles with the other wastewaters representing the remaining discharge to the storage ponds. Also, this facility is operated as a closed loop system employing water recycling as much as possible. Discharges from the facility's ponds are only in response to extreme storm events. Since the wastewater discharged is overwhelmingly recycled storm water runoff with deminimus amounts of other plant wastewaters, the existing effluent limit for TSS based on the discharge of material pile runoff have been continued from the existing permit. No additional TSS allocations have been provided due to the presence of vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air conditioner condensate, water from facility sinks, and dust suppression water from the primary crusher in the final TSS effluent limit calculation. Therefore, the following effluent set for TSS at Outfalls 001 and 002 has been assigned to the total discharge based on best professional judgment and continued from the existing permit.

Parameter	Daily Average	Daily Maximum	Single Grab
Total Suspended Solids	N/A	50 mg/L*	75 mg/L*

*These effluent limitations are not applicable when a discharge is caused by an extreme rainfall event from a retention pond that is designed, constructed, and operated to contain the 10-year, 12-hour rainfall event.

CMP THRESHOLD REVIEW SHEET

INDUSTRIAL WASTEWATER DISCHARGE PERMITS

PERMITTEE:	Capitol Aggregates, Ltd.
TPDES PERMIT NUMBER:	WQ0001510000
CLASSIFIED SEGMENT:	
NAME:	Salado Creek
NUMBER:	1910
COUNTY:	Bexar

SECTION A

No 1. This is a new permit application which would authorize the discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

No 2. This is an amendment permit application which would authorize an increase in the mass loading of pollutants from the discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

_____ 3. This is an amendment permit application which would change the point of discharge of a wastewater subject to EPA Categorical Effluent Standards (40 CFR Parts 400-471) into a priority segment (see Appendix B).

IF "YES" TO ANY OF THE ABOVE THEN THE PERMIT ACTION IS CONSIDERED ABOVE THRESHOLD, COMPLETE SECTION B.

IF NO TO ALL OF THE ABOVE, THEN THE PERMIT ACTION IS CONSIDERED BELOW THRESHOLD, STOP HERE.

Tres Koenings
PERMIT WRITER

December 22, 2009
DATE

SECTION B

_____ 1. The IOM from standards states that "no significant degradation of high quality receiving waters is anticipated" (if receiving water has a designated high quality aquatic life use).

_____ 2. The IOM from standards states that "no loss of designated uses is anticipated."

_____ 3. The draft permit complies with all applicable provisions of 30 TAC 307, 309, and 319.

PERMIT WRITER

DATE

30 TAC §281
APPENDIX B

TIDAL SEGMENTS DESIGNATED AS TCEQ PRIORITY WATERBODIES COASTAL MANAGEMENT PROGRAM

Segment Number	Name
2412	Sabine Lake
2411	Sabine Pass
2423	East Bay
2439	Lower Galveston Bay
0801	Trinity River Tidal
1113	Armand Bayou Tidal
2431	Moses Lake
2424	West Bay
2432	Chocolate Bay
2433	Bastrop Bay/Oyster Lake
2434	Christmas Bay
2435	Drum Bay
2442	Cedar Lakes
2441	East Matagorda Bay
2451	Matagorda Bay/Powderhorn Lake
2452	Tres Palacios Bay/Turtle Bay
2456	Carancahua Bay
2455	Keller Bay
2461	Espiritu Santo Bay
2462	San Antonio Bay/Hynes Bay/Guadalupe Bay
1801	Guadalupe River Tidal
2463	Mesquite Bay/Carlos Bay/Ayres Bay
2473	St. Charles Bay
2471	Aransas Bay
2472	Copano Bay/Port Bay/Mission Bay
2483	Redfish Bay
2482	Nueces Bay
2492	Baffin Bay/Alazan Bay/Cayo Del Grullo/Laguna Salada
2491	Laguna Madre
2493	South Bay

INDUSTRIAL EPA REVIEW CHECKLIST

Permittee Name: Capitol Aggregates, Ltd.

Permittee Number: WQ0001510000

PLEASE CHECK ALL THE APPLICABLE BELOW:

Draft permit authorizes:

Yes	No	
☐	☒	discharge to territorial seas (within 3 miles of the coastline) of the United States?
☐	☒	discharge or sewage sludge management may affect another state or the Republic of Mexico? For sewage sludge management, "may affect" means, accepts sewage sludge from another state or Mexico. For discharge, it means a discharge within 3 miles of a boundary with a another state or Mexico.
☐	☒	discharge of uncontaminated cooling tower blowdown with a permitted daily average flow >500 MGD?
☐	☒	discharge from a designated major facility?
☐	☒	discharge from a categorical industry as listed in 40 CFR Part 122, Appendix A? (see Attachment A)
☐	☒	discharge from source other than categorical industry with a permitted daily average flow >0.5 MGD, except for facilities that discharge non-process wastewater? Non-process wastewater is water that (during manufacturing or processing) does not come into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
☐	☒	minor facility discharge to critical concern species watersheds (see WQ Standards review)
☐	☒	(Prior to a final TMDL) discharge from a new or expanding facility to a 303(d) listed segment which has the potential to discharge any pollutant which is causing or contributing to the impairment of the segment?
☐	☒	(After a final TMDL) discharge from a new or expanding discharge to a 303(d) listed segment where the TMDL does not allocate the loadings described in the draft permit?
☐	☒	(After a final TMDL) a permit with effluent limits which allow loadings in excess of those prescribed by the TMDL for the segment?
☐	☒	(After a final TMDL) permit allows a 3 year compliance schedule for limits based on the TMDL allocations?

If any column is marked "YES", EPA must receive a of the full permit package.
If no column is marked "YES", EPA does not need to review the draft permit.

Tres Koenings
Permit Writer's Name

December 22, 2009
Date

ATTACHMENT A

PRIMARY INDUSTRIAL CATEGORIES

Adhesives and sealants	N/A
Aluminum forming	Part 467
Auto and other laundries	N/A
Battery and manufacturing	Part 461
Coal mining	Part 434
Coil coating	Part 465
Copper forming	Part 468
Electrical and electronic components	Part 469
Electroplating	Part 413
Explosives manufacturing	Part 457
Foundries	N/A
Gum and wood chemicals	Part 454
Inorganic chemicals manufacturing	Part 415
Iron and steel manufacturing	Part 420
Leather tanning and finishing	Part 425
Mechanical products manufacturing	N/A
Nonferrous metals manufacturing	Part 421
Ore mining	Part 440
Organic chemicals manufacturing	Part 414
Paint and ink formulation	Part 446
Pesticides	Part 455
Petroleum refining	Part 419
Pharmaceutical preparation	Part 439
Photographic equipment and supplies	Part 459
Plastics processing	Part 463
Plastic and synthetic material manufacturing	Part 414
Porcelain enameling	Part 466
Printing and publishing	N/A
Pulp and paper mills	Part 430
Rubber processing	Part 428
Soap and detergent manufacturing	Part 417
Steam electric power plants	Part 423
Textile mills	Part 410
Timber products processing	Part 429

TPDES PERMIT MAJOR/MINOR RATING WORK SHEET

TPDES No.: WQ0001510000 NPDES No.: TX0030040

Facility Name: San Antonio Portland Cement Plant

City/County: San Antonio, TX 78265 / Bexar

Receiving Water (Name/Segment No.):

Salado Creek 1910

Is this facility a steam electric power plant (SIC=4911) with one or more of the following characteristics?

1. Power output 500 MW or greater (no cooling pond/lake).
2. A nuclear power plant.
3. Cooling water discharge greater than 25% of the receiving waters 7Q2 flow rate.

☐ YES (score is 600, stop here).
☒ NO (continue)

Is this permit for a municipal separate storm sewer serving a population greater than 100,000?

☐ YES (score is 700, stop here).
☒ NO (continue)

FACTOR 1: Toxic Pollutant Potential

Primary SIC Code: 3241

Other SIC Codes: _____ _____ _____ _____

Industrial Subcategory Code 32

Determine the Toxicity potential from Appendix A. Be sure to use the TOTAL toxicity potential column and check one.

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
☒ No process wastestreams	0	0	☐ 3.	3	15	☐ 7.	7	35
☐ 1.	1	5	☐ 4.	4	20	☐ 8.	8	40
☐ 2.	2	10	☐ 5.	5	25	☐ 9.	9	45
			☐ 6.	6	30	☐ 10.	10	50

CODE NUMBER CHECKED 0
TOTAL POINTS FACTOR 1: 0

FACTOR 2: Flow/Stream Flow Volume (*Complete either Section A or B; check only one*)

SECTION A - Wastewater Flow Only Considered

Wastewater Type		Code	Points
Type I:	Flow < 5 MGD	☐ 11	0
	Flow 5 to 10 MGD	☐ 12	10
	Flow 10 to 50 MGD	☐ 13	20
	Flow > 50	☐ 14	30
Type II:	Flow <1 MGD	☒ 21	10
	Flow 1 to 5 MGD	☐ 22	20
	Flow 5 to 10 MGD	☐ 23	30
	Flow > 10 MGD	☐ 24	50
Type III	Flow < 1 MGD	☐ 31	0
	Flow 1 to 5 MGD	☐ 32	10
	Flow 5 to 10 MGD	☐ 33	20
	Flow > 10 MGD	☐ 34	30

SECTION B - Wastewater & Stream Flow Considered

Wastewater Type	Percent Effluent @ Mixing Zone	Code	Points
Type I/III:	< 10%	☐ 41	0
	10% to 50%	☐ 42	10
	> 50%	☐ 43	20
Type II:	< 10%	☐ 51	10
	10% to 50%	☐ 52	20
	> 50%	☐ 53	30

CODE NUMBER CHECKED FROM SECTION A or B 21
TOTAL POINTS FACTOR 2: 10

TPDES PERMIT MAJOR/MINOR RATING WORK SHEET

TPDES No.: WQ0001510000

FACTOR 3: Conventional Pollutants *(Only when limited by the permit)*

A. Oxygen Demanding Pollutant: (check one) ☐ BOD/CBOD ☒ COD ☐ Other:

Permit Limits: (check one)		Code	Points
☐	< 100 lbs/day	1	0
☐	100 to 1000 lbs/day	2	5
☐	1000 to 3000 lbs/day	3	15
☐	> 3000 lbs/day	4	20

B. Total Suspended Solids (TSS)

Permit Limits: (check one)		Code	Points
☐	< 100 lbs/day	1	0
☐	100 to 1000 lbs/day	2	5
☐	1000 to 5000 lbs/day	3	15
☐	> 5000 lbs/day	4	20

C. Nitrogen Pollutant: (check one) ☐ Ammonia ☐ Other:

Permit Limits: (check one)	Nitrogen Equivalent	Code	Points
☐	< 300 lbs/day	1	0
☐	300 to 1000 lbs/day	2	5
☐	1000 to 3000 lbs/day	3	15
☐	> 3000 lbs/day	4	20

CODE NUMBER CHECKED A - B - C -

POINTS FACTOR 3: A - + B - + C - = 0 Total

FACTOR 4: Public Health Impacts

Is there a public drinking water supply located within 50 miles downstream of the effluent discharge (this includes any body of water to which the receiving water is a tributary)? A public drinking water supply may include infiltration galleries, or other methods of conveyance that ultimately get water from the above referenced supply

☒ YES (If yes, check toxicity potential number below)
☐ NO (If no, go to Factor 5)

Determine the human health toxicity potential from Appendix A. Use the same SIC code and subcategory reference as in Factor 1. (Be sure to use the human health toxicity group column - check one below.)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
☒ No process wastestreams	0	0	☐ 3.	3	0	☐ 7.	7	15
☐ 1.	1	0	☐ 4.	4	0	☐ 8.	8	20
☐ 2.	2	0	☐ 5.	5	5	☐ 9.	9	25
			☐ 6.	6	10	☐ 10.	10	30

CODE NUMBER CHECKED 0

TOTAL POINTS FACTOR 4: 0

TPDES PERMIT MAJOR/MINOR RATING WORK SHEET

TPDES No.: WQ0001510000

FACTOR 5: Water Quality Factors

A. *Is (or will) one or more of the effluent discharge limits based on water quality factors of the receiving stream (rather than technology-based federal effluent guidelines, or technology-based state effluent guidelines), or has a wasteload allocation been assigned to the discharge?*

	Code	Points
☐ YES	1	10
☒ NO	2	0

B. *Is the receiving water in compliance with applicable water quality standards for pollutants that are water quality limited in the permit?*

	Code	Points
☒ YES	1	0
☐ NO	2	5

C. *Does the effluent discharged from this facility exhibit the reasonable potential to violate water quality standards due to whole effluent toxicity?*

	Code	Points
☐ YES	1	10
☒ NO	2	0

CODE NUMBER CHECKED A 2 B 1 C 2

POINT FACTOR 5: A 0 + B 0 + C 0 = 0 Total

FACTOR 6: Proximity to Near Coastal Waters

A. Base Score: Enter flow code here (from Factor 2): ____

Enter the multiplication factor that corresponds to the flow code: ____

Check appropriate facility HPRI Code (from PCS):

	HPRI#	CODE	HPRI Score	Flow Code	Multiplication Factor
☐	1	1	20	11, 31, or 41	0.00
☐	2	2	0	12, 32, or 42	0.05
☐	3	3	30	13, 33, or 43	0.10
☐	4	4	0	14 or 34	0.15
☐	5	5	0	21 or 51	0.10
				22 or 52	0.30
				23 or 53	0.60
				24	1.00

HPRI code checked: | |

Base Score: (HPRI Score) ____ X (Multiplication Factor) _____ = _____ (Total Points)

B. *Additional Points -- NEP Program*
For a facility that has an HPRI code of 3, does the facility discharge to one of the estuaries enrolled in the National Estuary Protection (NEP) program (see instructions)?

	Code	Points
☐ YES	1	10
☐ NO	2	0

C. *Additional Points -- Great Lakes Area of Concern*
For a facility that has an HPRI code of 5, does the facility discharge any of the pollutants of concern into one of the Great Lakes' 31 areas of concern?

	Code	Points
☐ YES	1	10
☐ NO	2	0

CODE NUMBER CHECKED A - B - C -

POINT FACTOR 6: A - + B - + C - = - Total

TPDES PERMIT RATING WORK SHEET

TPDES No.: WQ0001510000

SCORE SUMMARY

Factor	Description	Total Points
1	Toxic Pollutant Potential	0
2	Flow/Streamflow Volume	10
3	Conventional Pollutants	0
4	Public Health Impacts	0
5	Water Quality Factors	0
6	Proximity to Near Coastal Waters	N/A
	TOTAL (Factors 1 through 6)	10

S1. Is the total score equal to or greater than 80?

☐ YES - Facility is a major, stop here.
☒ NO - Facility is NOT a major, proceed to S2.

S2. Do you want the facility to be designated a discretionary major?

☐ YES - Add 500 points to the score above and provide justification below.
☒ NO - Stop here

Justification:

Check appropriate classification:

☐ Major

☒ Minor

☐ Discretionary Major

Tres Koenings
Permit Reviewer

512-239-1189
Phone Number

December 22, 2009
Date Reviewed

NEW SOURCE DETERMINATION WORKSHEET

PERMITTEE:	Capitol Aggregates, Ltd.
TPDES PERMIT NUMBER:	WQ0001510000
NPDES PERMIT NUMBER:	TX0030040
TYPE OF INDUSTRIAL ACTIVITY:	Cement Manufacturing
SIC CODE:	3241
CATEGORICAL GUIDELINES:	40 CFR 411

A. NEW SOURCE DETERMINATION - SCREENING

ANSWER EITHER "YES" OR "NO" TO THE FOLLOWING QUESTIONS AND PROCEED AS DIRECTED:

1. Is there an applicable new source performance standard for this facility?

   Yes _X_ No ___ If YES, proceed to Item No. 2. If NO proceed to Section B, the facility is not a new source.

2. Was the current production facility in existence prior to the promulgation of the applicable new source performance standard?

   Yes _X_ No ___ If NO, proceed to Item No. 3. If YES proceed to Section B, the facility is not a new source.

3. This facility MAY be classified as a new source. Additional information will be required to conduct an evaluation and make a final determination. Please refer to 40 CFR 122.29.

B. NEW SOURCE DETERMINATION - DETERMINATION

PLEASE CHECK THE APPROPRIATE DETERMINATION:

_X_ Facility IS NOT a new source. Determination made via screening in Section A above.

_____ Facility IS NOT a new source. Determination made via evaluation. Please see attached evaluation.

_____ Facility IS a new source. Determination made via evaluation. Please see attached evaluation.

Tres Koenings
REVIEWER

February 9, 2010
DATE

TOXIC RATING WORKSHEET

TPDES Permit No.:	WQ0001510000			
NPDES Permit No.:	TX0030040			
Permittee:	Capitol Aggregates, Ltd.			
Facility:	San Antonio Portland Cement			
SIC Codes:	1. 3241	2.	3.	4.
40 CFR Section:	411			
Toxic Rating for Facility:	2			
Permit Writer:	Tres Koenings		Date:	

CALCULATE TOXIC RATING FOR THE FACILITY

For each outfall listed below, list the percent contribution to the total wastewater flow from the facility and the toxic rating for the outfall.

OUTFALL No.	% Contribution	Toxic Rating	Rating x Percent
001 and 002	100	2	200

Toxic Rating for Facility = Total/100 = 2 (round to nearest whole #)

OUTFALL NO.: 001 and 002

List waste streams in order of percent contribution to outfall and toxic rating for each waste stream:

Description of Waste Stream	%	Toxic Rating	Rating x Percent
Storm water associated with Ind Act.	99	2	198
Utility wastewaters (plant/vehicle washdown, cooling tower blowdown, sink water, AC condensate, and dust suppression water)	1	2	2
	Total 100		Total: 200

Toxic Rating for Outfall = Total/100 = 2 (round to nearest whole #)

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

TO: Kelly Holligan, Team Leader
Industrial Permits, Wastewater Permits Section

DATE: February 10, 2010

From: Tres Koenings, Permit Writer
Industrial Permits, Wastewater Permits Section

Subject:

Applicant:	Capitol Aggregates, Ltd.				
Plant Name:	San Antonio Portland Cement Plant				
☒ TPDES	☐ TCEQ	WQ0001510000		EPA ID. No.	TX0030040
Industrial:	☒ Minor	☐ Major			
Toxic Rating:	2	Stream Segment:		1910	
Received:	September 3, 2009	Administratively Complete:		November 18, 2009	
Assigned:	December 18, 2009	To Team Leader:		February 10, 2010	
Tech Complete:	December 22, 2009				

ATTACHMENTS:	State-Only	TPDES
New	☐	☐
Renewal	☐	☒
Major Amendment	☐	☒
Minor Amendment	☐	☐
Staff Initiated Amendment	☐	☐
Fact Sheet	☐	☐
SOB/Technical Summary	☐	☒

RATIONAL Used to Draft Permit:		
☒	Federal Guidelines:	40 CFR 411, Subpart C
☐	Waste Load Evaluation:	
☒	TCEQ Rules:	30 TAC 305, 307 and the IPs
☒	Existing Permit(s):	WQ0001510000
☒	Other:	BPJ

Company's Rep: Mr. Paul Detterline

phone #: (210) 871-7214 Fax #: (210) 559-1709

Known Opposition: ___No___ If yes, briefly explain: _____

Comments:

FILE LOCATION: I:\WQ\IND\ERC AND REGION PERMITS\WQ0001510000

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601249121	Capitol Aggregates, Ltd.	Classification: AVERAGE	Rating: 3.00
Regulated Entity:	RN100211507	CAPITOL CEMENT PLANT	Classification: AVERAGE	Site Rating: 0.30

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BE0045E
AIR OPERATING PERMITS	PERMIT	1118
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008119422
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30115
WASTEWATER	PERMIT	WQ0001510000
WASTEWATER	PERMIT	TPDES003040
WASTEWATER	PERMIT	TX0003040
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	40847
AIR NEW SOURCE PERMITS	PERMIT	2274
AIR NEW SOURCE PERMITS	PERMIT	7369
AIR NEW SOURCE PERMITS	PERMIT	33571
AIR NEW SOURCE PERMITS	PERMIT	35528
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BE0045E
AIR NEW SOURCE PERMITS	PERMIT	49124
AIR NEW SOURCE PERMITS	AFS NUM	4802300001
AIR NEW SOURCE PERMITS	EPA ID	PSDTX120M3
AIR NEW SOURCE PERMITS	REGISTRATION	77525
AIR NEW SOURCE PERMITS	REGISTRATION	81165
AIR NEW SOURCE PERMITS	EPA ID	P120M2
AIR NEW SOURCE PERMITS	EPA ID	P120M1
AIR NEW SOURCE PERMITS	REGISTRATION	91424
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BE0045E

Location: 11551 NACOGDOCHES RD. SAN ANTONIO, TX, 78217

TCEQ Region: REGION 13 - SAN ANTONIO

Date Compliance History Prepared: December 11, 2009

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Compliance Period: September 03, 2004 to December 11, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Sam Treviño Phone: 239 - 0266

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

EXHIBIT

tabbies

B

1	09/07/2004	(355236)
2	10/04/2004	(355237)
3	10/25/2004	(339747)
4	11/03/2004	(355239)
5	12/27/2004	(344886)
6	12/30/2004	(345339)
7	01/05/2005	(393648)
8	02/04/2005	(393648)
9	02/07/2005	(421468)
10	02/22/2005	(347586)
11	02/24/2005	(347589)
12	03/09/2005	(342655)
13	03/09/2005	(421469)
14	04/04/2005	(421470)
15	05/10/2005	(421471)
16	05/18/2005	(360886)
17	05/18/2005	(360973)
18	05/18/2005	(360974)
19	05/19/2005	(392745)
20	09/03/2005	(421472)
21	09/09/2005	(379574)
22	09/09/2005	(394865)
23	07/05/2005	(421473)
24	09/04/2005	(442459)
25	09/07/2005	(442459)
26	09/21/2005	(395869)
27	10/05/2005	(433214)
28	10/10/2005	(471554)
29	11/02/2005	(471555)
30	12/02/2005	(471556)
31	12/28/2005	(450165)
32	01/03/2006	(471557)
33	02/03/2006	(471551)
34	03/03/2006	(471552)
35	04/14/2006	(461020)
36	05/02/2006	(500180)
37	05/05/2006	(464700)
38	05/16/2006	(465929)
39	05/05/2006	(500181)
40	07/10/2006	(522230)
41	07/13/2006	(466300)
42	09/01/2006	(522291)
43	09/05/2006	(469414)
44	09/05/2006	(522292)
45	09/15/2006	(509372)
46	09/19/2006	(510253)
47	09/19/2006	(510520)
48	10/03/2006	(549971)
49	11/02/2006	(549972)
50	12/05/2006	(549973)
51	01/09/2007	(534530)
52	01/10/2007	(579378)
53	02/05/2007	(579373)
54	03/09/2007	(579374)
55	04/26/2007	(579375)
56	05/02/2007	(559457)
57	05/02/2007	(559558)
58	05/02/2007	(559559)
59	05/10/2007	(579376)

60	05/25/2007	(551665)
61	06/12/2007	(579377)
62	07/12/2007	(602781)
63	07/31/2007	(557105)
64	08/02/2007	(602782)
65	08/05/2007	(557439)
66	08/05/2007	(557471)
67	08/05/2007	(557534)
68	08/10/2007	(602783)
69	08/28/2007	(596118)
70	10/02/2007	(596208)
71	10/04/2007	(621127)
72	11/08/2007	(621128)
73	12/04/2007	(621129)
74	12/06/2007	(610828)
75	01/08/2008	(673218)
76	02/07/2008	(615795)
77	02/07/2008	(616997)
78	02/08/2008	(673217)
79	02/29/2008	(635389)
80	03/17/2008	(691370)
81	04/03/2008	(691371)
82	05/02/2008	(691372)
83	05/22/2008	(671485)
84	06/04/2008	(712287)
85	06/17/2008	(683318)
86	06/17/2008	(683401)
87	07/03/2008	(712295)
88	08/07/2008	(712298)
89	08/08/2008	(712300)
90	08/30/2008	(726597)
91	10/08/2008	(726598)
92	11/17/2008	(726599)
93	12/15/2008	(726600)
94	01/09/2009	(751579)
95	02/12/2009	(751578)
96	03/20/2009	(769465)
97	04/14/2009	(739287)
98	04/20/2009	(769455)
99	05/11/2009	(769467)
100	05/19/2009	(746119)
101	05/27/2009	(746269)

E Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2004 (393648) CN601249121
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (393649) CN601249121
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (421468) CN601249121
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (421469) CN601249121

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 03/31/2006 (421470) CN601249121

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2007 (602782) CN601249121

Self Report? YES Classification: Moderate
Citation: 2DTWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 08/31/2007 (602783) CN601249121

Self Report? YES Classification: Moderate
Citation: 2DTWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2007 (621127) CN601249121

Self Report? YES Classification: Moderate
Citation: 2DTWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2007 (621128) CN601249121

Self Report? YES Classification: Moderate
Citation: 2DTWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2007 (621129) CN601249121

Self Report? YES Classification: Moderate
Citation: 2DTWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

G Type of environmental management systems (EMSs).

H Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TPDES PERMIT NO. WQ0001510000

APPLICATION BY	§	BEFORE THE
	§	
CAPITOL AGGREGATES, LTD.	§	TEXAS COMMISSION ON
	§	
TPDES PERMIT NO. WQ0001510000	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the Capitol Aggregates, Ltd. (Applicant) application for a major amendment with renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001510000 and on the ED's preliminary decision. As required by 30 Texas Administrative Code (30 TAC) Section (§) 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments.

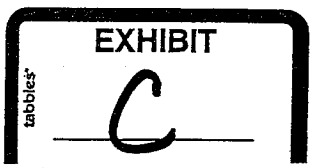
The Office of the Chief Clerk received timely comments from the following person: Mr. Santa Garcia. This response addresses all such timely public comments received, whether or not withdrawn.

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

The Applicant operates the San Antonio Portland Cement Plant, a portland and masonry cement manufacturing facility. The Applicant has requested a major amendment to its existing permit to authorize the addition of the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfalls 001 and 002; to revise Other Requirement No. 3 of the draft permit to allow the discharge of cooling tower blowdown; and to remove the authorization to discharge wastewater via Outfall 003. The proposed draft permit would authorize the discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air compressor condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water on an intermittent and flow variable basis via Outfalls 001 and 002. The discharge route is to unnamed tributaries of



Discharges from this facility are generally in response to large rainfall events.

The TCEQ conducts routine inspections of facilities to ensure the facilities comply with their authorizations and that all authorizations are obtained properly. Any observance or complaints about discharges from this facility can be reported for investigation to the TCEQ Region 13 Office in San Antonio at 210-490-3096, or by using the statewide toll-free number at 1-888-777-3186. Citizen complaints may also be filed on-line at http://www.tnrcc.state.tx.us/cgi-bin/enforcement/complaints. If the facility is found to be out of compliance with the terms or conditions of its permit or with TCEQ regulations, it may be subject to enforcement.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

No changes were made to the draft permit in response to public comments.

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Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

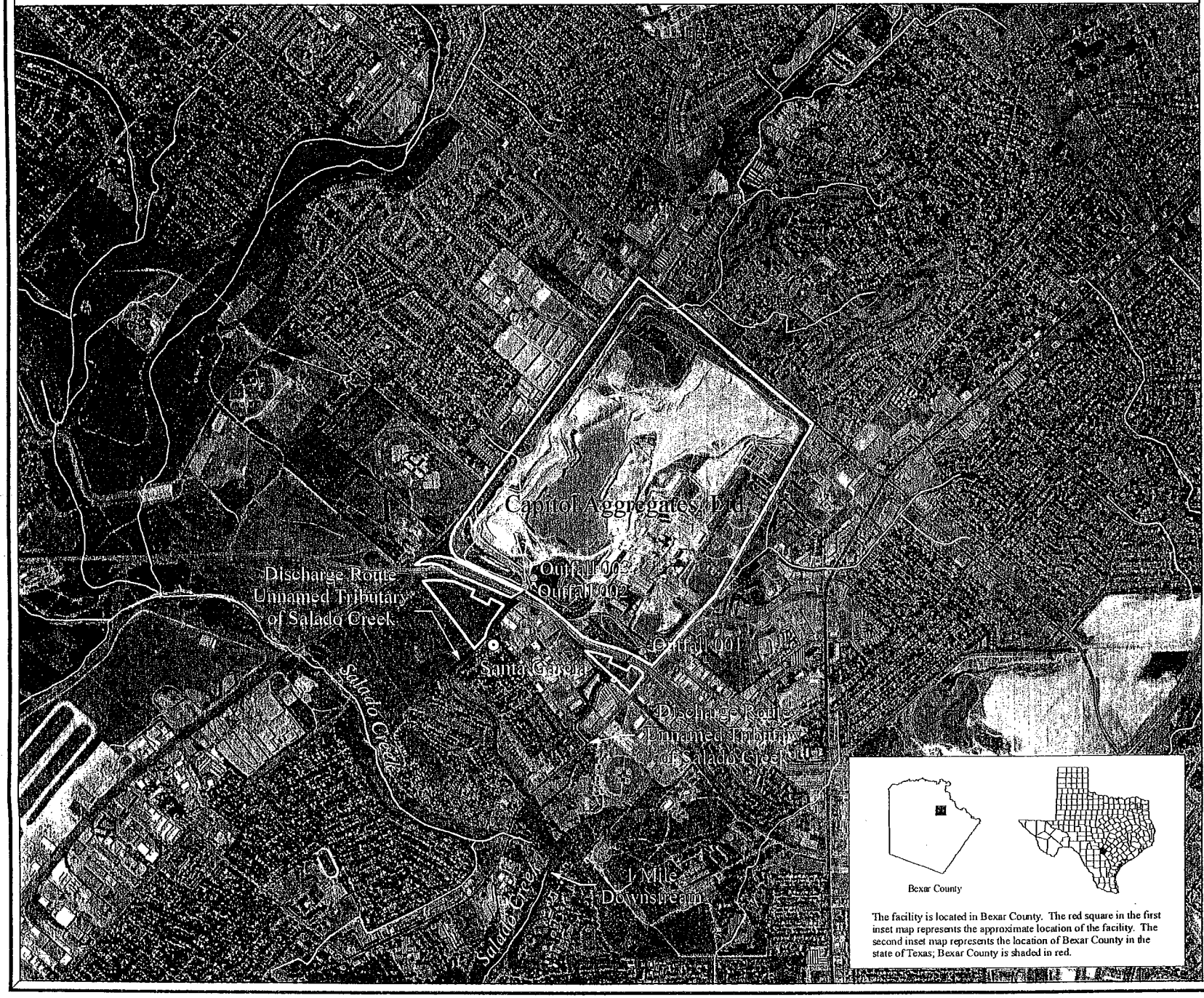
Robert Martinez, Director
Environmental Law Division

Alicia Lee
Staff Attorney
Environmental Law Division
State Bar No. 24032665
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-0600
Fax (512) 239-0606

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Capitol Aggregates, Ltd.

Map Requested by TCEQ Office of Legal Services for Commissioners' Agenda



The facility is located in Bexar County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Bexar County in the state of Texas; Bexar County is shaded in red.

Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

August 11, 2010

0 0.1 0.2 0.4 0.6 Miles

Projection: Texas Statewide Mapping System (TSMS)
Scale 1:31,000

Legend

- Facility
- Requestor's Property
- Outfall

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a one-half meter photograph from the 2008 Texas Orthoimagery Project.

This map depicts the following:

(1) The approximate location of the facility. This is labeled "Capitol Aggregates Ltd."
(2) The discharge route. This is labeled "Discharge Route".
(3) The outfalls. These are labeled "Outfall".

EXHIBIT D

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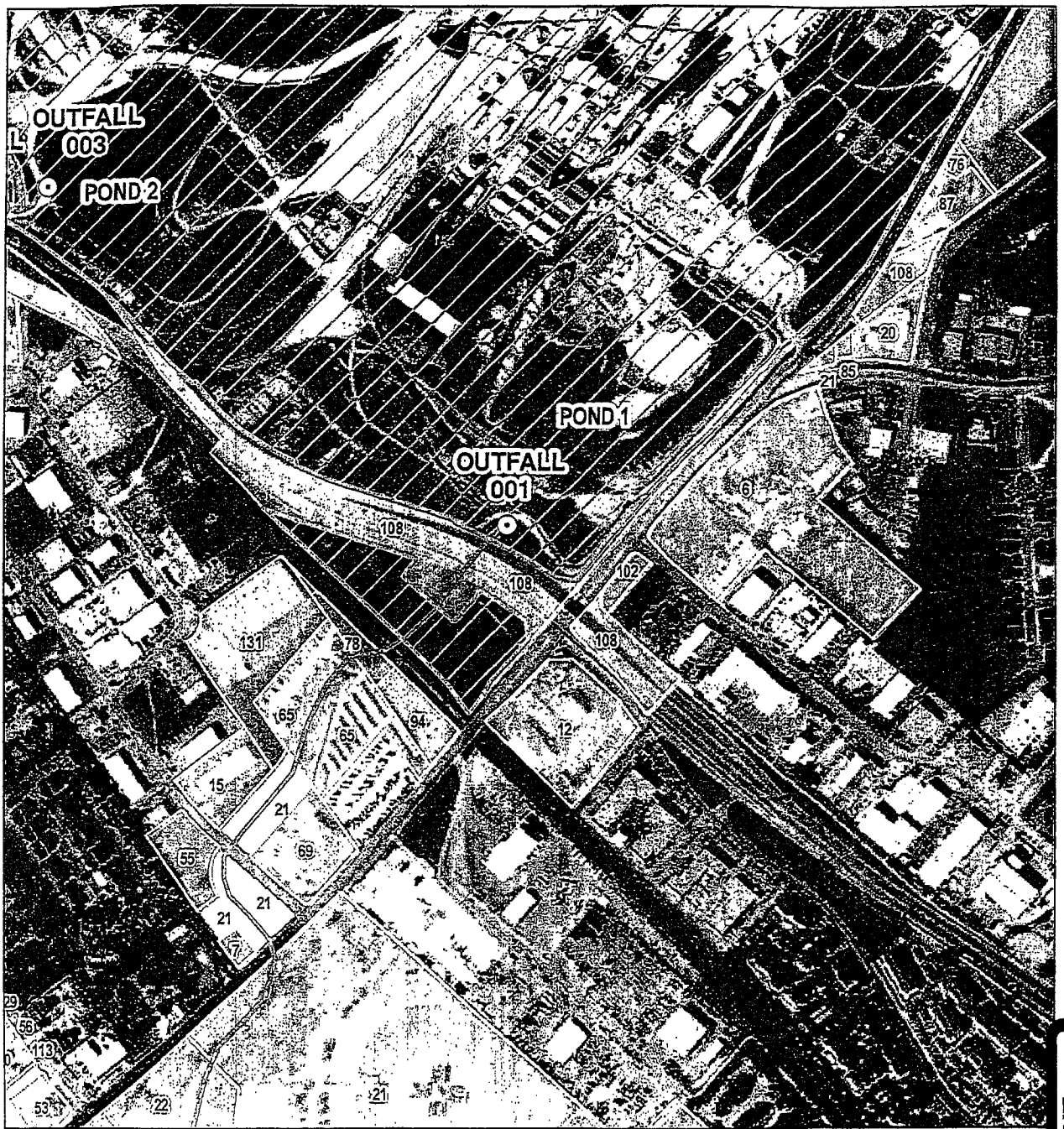
This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

M McDonough CRF-330342



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NOV 10 2009
Water Quality Applications Team

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1 " = 600 '
1:7,200

EXHIBIT 5

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WORKING COPY

RMT
24 E. Greenway Plaza,
Suite 800
Houston, TX 77046
Phone: 713.450.1882
Fax: 713.450.1639

CAPITOL AGGREGATES, LTD
SAN ANTONIO, TEXAS

ATTACHMENT B-3
AFFECTED LANDOWNER MAP

DRAWN BY:	S S WILSON
APPROVED BY:	
PROJECT NO:	50-02131.11
FILE-NO.-	LANDMAP_SMALL.mxd
DATE:	OCTOBER 2009

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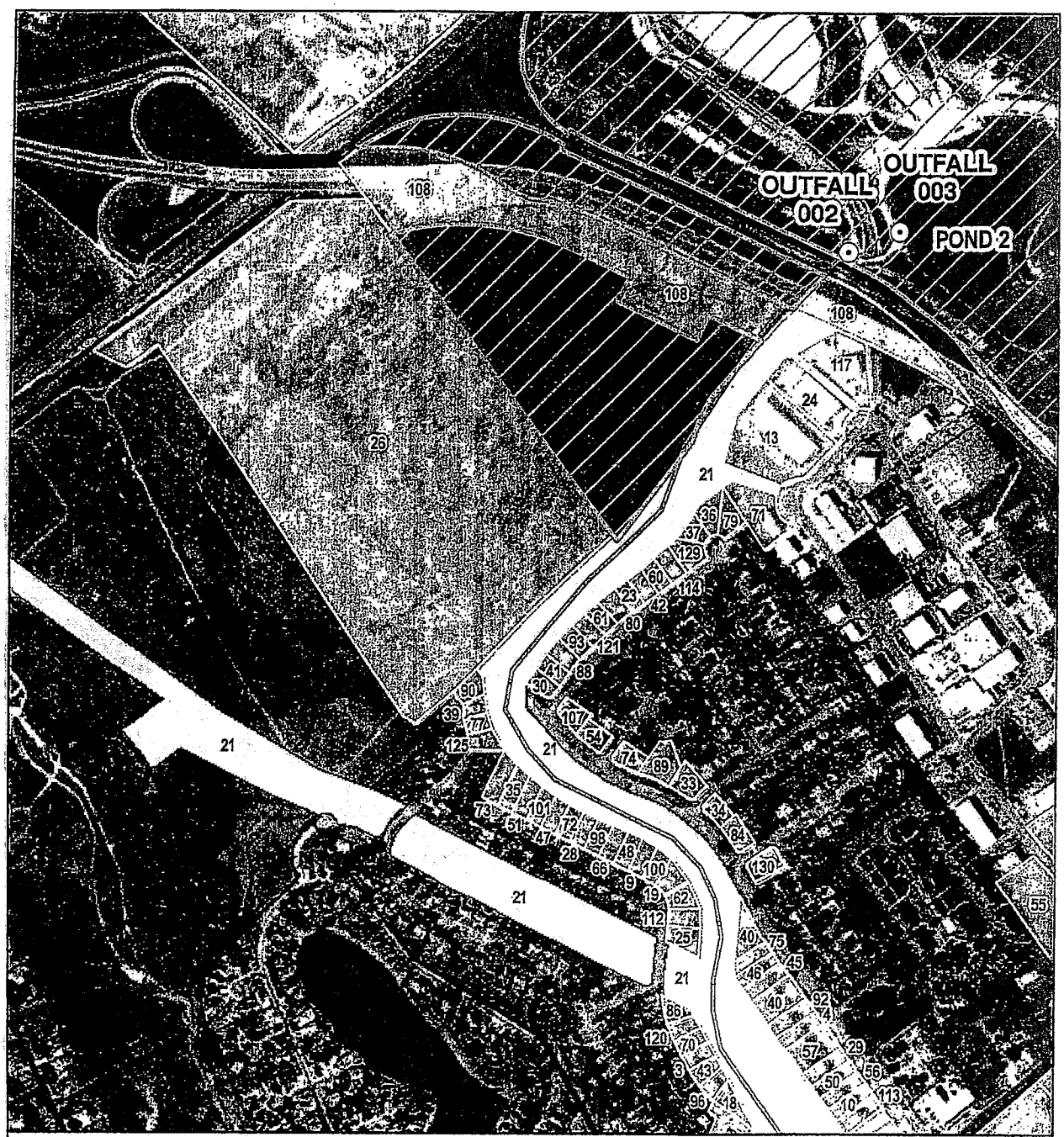

NOV 10 2009

Water Quality Applications Team

N

0 300 600 FEET

1 " = 600 '

1:7,200

WORKING COPY

RMT 24 E. Greenway Plaza, Suite 800 Houston, TX 77046 Phone: 713.450.1882 Fax: 713.450.1639	CAPITOL AGGREGATES, LTD SAN ANTONIO, TEXAS	DRAWN BY: S S WILSON APPROVED BY: PROJECT NO: 50-02131..11 FILE NO. LANDMAP_SMALL.mxd DATE: OCTOBER 2009
	ATTACHMENT B-1 AFFECTED LANDOWNER MAP	

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RECEIVED
NOV 10 2009
Water Quality Applications Team

WORKING COPY

RMT
24 E. Greenway Plaza,
Suite 800
Houston, TX 77046
Phone: 713.450.1882
Fax: 713.450.1639

CAPITOL AGGREGATES, LTD
SAN ANTONIO, TEXAS

ATTACHMENT B-2
AFFECTED LANDOWNER MAP

DRAWN BY:	S S WILSON
APPROVED BY:	
PROJECT NO:	50-02131..11
FILE NO.	LANDMAP_SMALL.mxd
DATE:	OCTOBER 2009

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MAPID	owner_name	addr_line2	addr_line3	addr_city	Addr_state	ZIP_cd
1	3823 LTD	3823 THOUSAND OAKS DR		SAN ANTONIO	TX	78217
2	AIAS INC	506 BLUFF TRL		SAN ANTONIO	TX	78216
3	ALEJANDRO CARLOS E & BELINDA	10615 WAYWARD DR		SAN ANTONIO	TX	78217
4	ALMODOVA JOYCE	1069 SPENCER ST APT 1101		HONOLULU	HI	96822
5	AMERICAN OPPORTUNITY FOR HOUSING-WATERFORD/KINGSWO	7334 BLANCO RD STE 200		SAN ANTONIO	TX	78216
6	ANIMAL DEFENSE LEAGUE INC	11300 NACOGDOCHES RD		SAN ANTONIO	TX	78217
7	ASGARIZADEH SHAHIN & BORGHEI AHMAD SEYED	13251 SHORECLIFF ST		SAN ANTONIO	TX	78248
8	ASPRI INVESTMENTS LLC	3026 FM 2094 # A		LEAGUE CITY	TX	77573
9	BAGLEY JERRY DON JR	10811 WAYWARD DR		SAN ANTONIO	TX	78217
10	BECK TROY M & KERRY J	10529 STARCREST DR		SAN ANTONIO	TX	78217
11	BEL-EQR II LTD PRTNRSHP	PO BOX 87407		CHICAGO	IL	60680
12	BLUEBONNET FOODS LP	11122 NACOGDOCHES RD		SAN ANTONIO	TX	78217
13	C & C CROSSPOINT LLC	29618 DOUBLE EAGLE CIR		FAIR OAKS RANCH	TX	78015
14	CADY LAVERNE	2703 ILSE PL		SAN ANTONIO	TX	78217
15	CAIN CHARLES P & PATRICIA D	10711 HILLPOINT STE 100		SAN ANTONIO	TX	78217
16	CANO TOM & GLENDA S	PO BOX 791731		SAN ANTONIO	TX	78279
17	CARRERA PETE JR & VERONICA A	12158 BULVERDE RD		SAN ANTONIO	TX	78217
18	CARRINGTON RAYMOND E	118 PERSIA DR		UNIVERSAL CITY	TX	78148
19	CASTRO ROBERT & ELIZABETH	10803 WAYWARD DR		SAN ANTONIO	TX	78217
20	CAVAZOS MARTIN S & CORINA S	210 LARKWOOD DR		SAN ANTONIO	TX	78209
21	CITY OF SAN ANTONIO	PO BOX 839975		SAN ANTONIO	TX	78283
22	CITY PUBLIC SERVICE BOARD	PO BOX 1771		SAN ANTONIO	TX	78296
23	CONTRERAS AGUSTINE A JR	3431 HIGHTREE DR		SAN ANTONIO	TX	78217
24	CONTROL & INSTRUMENTATION HOLDING COMPANY	3523 CROSSPOINT		SAN ANTONIO	TX	78217
25	COOK BETTY RUTH	10719 WAYWARD DR		SAN ANTONIO	TX	78217
26	CRESTMORE INC	29227 SUMMIT RIDGE DR		BOERNE	TX	78015
27	CRYSAMB INC	13115 WETMORE RD		SAN ANTONIO	TX	78247
28	DAVIS PETER SR	10827 WAYWARD DR		SAN ANTONIO	TX	78217
29	DOBRY WILLIAM DUKE	2515 WINDCHASE		SAN ANTONIO	TX	78232
30	DUNN THOMAS HOWELLY	8715 STARCREST DR APT 2		SAN ANTONIO	TX	78217
31	EASTGROUP PROPERTIES LP	PO BOX 23636		JACKSON	MS	39225
32	ENG GINTHER & VICTOR	8511 TRIPLE CROWN		FAIR OAKS RANCH	TX	78015

33	FINK JANICE ARLENE	3503 FIELDSTONE DR		SAN ANTONIO	TX	78217
34	FINK STEPHEN K & ELAINE M	3502 FIELDSTONE DR		SAN ANTONIO	TX	78217
35	FLYNT ALTA M	10915 WAYWARD DR		SAN ANTONIO	TX	78217
36	GALVIN JASON	10850 EDGECREST DR		SAN ANTONIO	TX	78217
37	GARCIA CHARLES R & SANTA	10851 EDGECREST DR		SAN ANTONIO	TX	78217
38	GERAMITA FRANK	12202 BULVERDE RD		SAN ANTONIO	TX	78217
39	GLOVER CORNELL A	3334 EASY BEND DR		SAN ANTONIO	TX	78217
40	GOMEZ CARLOS R & TREVINO YVONNE J	6014 BEAVER TRAIL		SAN ANTONIO	TX	78249
41	GOMEZ MARGARITA MUNOZ	3407 HIGHTREE DR		SAN ANTONIO	TX	78217
42	GONZALES FRANK & MONICA	3435 HIGHTREE DR		SAN ANTONIO	TX	78217
43	GONZALEZ CARLOS F	PO BOX 8118		SAN ANTONIO	TX	78208
44	GRAF DOROTHY	3724 THOUSAND OAKS DR		SAN ANTONIO	TX	78247
45	GUERRERO LUIS	2010 WINDING VW		SAN ANTONIO	TX	78260
46	GUTIERREZ HENRY G	6310 MACAW		SAN ANTONIO	TX	78218
47	GUTIERREZ JESSE & MARIA CHRISTINA	10903 WAYWARD DR		SAN ANTONIO	TX	78217
48	GUZMAN OCTAVIANO R JR & OCTAVIANO SR	10815 WAYWARD DR		SAN ANTONIO	TX	78217
49	HAAG ELMER C & BEATRICE A	7 W KITTY HAWK		RICHMOND	TX	77406
50	HALLADAY ROBERT E ETAL	10545 STARCREST DR		SAN ANTONIO	TX	78217
51	HARRISON W A	11412 MORDRED CT		AUSTIN	TX	78739
52	HOPPE ROBERT C TRUSTEE	901 NE LOOP 410		SAN ANTONIO	TX	78209
53	HERNANDEZ JOSHEPH D ENTERPRISES LLC	3107 ROAN CT		SAN ANTONIO	TX	78259
54	HERNANDEZ MARIO & CONCEPTION	3403 STARBEND ST		SAN ANTONIO	TX	78217
55	HUNTE GARTH E & MARJORIE L	8618 NORWICH DR		SAN ANTONIO	TX	78217
56	IGLESIAS FRANK D & KATHY N	10537 STARCREST DR		SAN ANTONIO	TX	78217
57	INPROP LLC	PO BOX 27740		LAS VEGAS	NV	89126
58	JOHNSON CONTROLS INC	5757 N GREEN BAY AVE		MILWAUKEE	WI	53209
59	LANDMARK IND LTD	11111 WILCREST GREEN DR STE 100		HOUSTON	TX	77042
60	LARA DAVID A & LETICIA	3439 HIGHTREE DR		SAN ANTONIO	TX	78217
61	LAWRENCE JOY & ROBERT	3423 HIGHTREE DR		SAN ANTONIO	TX	78217
62	LEOS CRISTINA LEAL	269 SADDLE LN		FLORESVILLE	TX	78114
63	LETJ LTD PARTNERSHIP	29 SANCTUARY DR		SAN ANTONIO	TX	78248
64	LIBERTY PROPERTIES	215 W TRAVIS ST		SAN ANTONIO	TX	78205
65	LIFT PARTNERS LP	150 PAINTBRUSH PATH		NEW BRAUNFELS	TX	78132
66	LOERA LINDA J & BONILLA YUNILLA	10819 WAYWARD DR		SAN ANTONIO	TX	78217

67	LOYD EDWARD L	702 SPACIOUS SKY		SAN ANTONIO	TX	78260
68	MAGEE YVETTE W	3043 FALL MIST DR		SAN ANTONIO	TX	78247
69	MAILING SURVEYS INC	10815 NACOGDOCHES RD		SAN ANTONIO	TX	78217
70	MALDONADO EMMA R	10619 WAYWARD DR		SAN ANTONIO	TX	78217
71	MATTHEWS HOWARD W & CHARLENE A	10892 HILLPOINT		SAN ANTONIO	TX	78217
72	MCGRAW EDGAR	10831 WAYWARD DR		SAN ANTONIO	TX	78217
73	MEDINA JESUS L & ANGELINA	10919 WAYWARD DR		SAN ANTONIO	TX	78217
74	MELTON ANNA	3402 STARBEND ST		SAN ANTONIO	TX	78217
75	MENDOZA MICHAEL ET AL	124 GRAND OAK ST		SAN ANTONIO	TX	78232
76	MILAM BULVERDE DEVELOPMENT LLC	7373 BROADWAY STE 308		SAN ANTONIO	TX	78209
77	MILLER DOLORES	3332 EASY BEND DR		SAN ANTONIO	TX	78217
78	MISSOURI PACIFIC R/R CO	1400 DOUGLAS ST STOP 1640		OMAHA	NE	68179
79	MOJICA MALISSA	10846 EDGECREST DR		SAN ANTONIO	TX	78217
80	MOSER LESLIE M	3102 DOOLITTLE AVE		ARCADIA	CA	91006
81	MUSSELMAN GEORGE ET AL	3303 OAKWELL CT STE 100		SAN ANTONIO	TX	78218
82	NEWTON STEVE	31260 RETAMA RDG		BULVERDE	TX	78163
83	NORTH TEXAS VENTURE ONE	1616 SYRACUSE DR		RICHARDSON	TX	75081
84	NOWLAND RUBY F	3503 CRESTMONT DR		SAN ANTONIO	TX	78217
85	OBANION ENTERPRISES LP	3411 BUCKHAVEN DR		SAN ANTONIO	TX	78230
86	ORTEGA ESPERANZA C	10627 WAYWARD DR		SAN ANTONIO	TX	78217
87	PAPE WARREN L	2311 BLOSSOM DR		SAN ANTONIO	TX	78217
88	PATTON BARRY JAMES	120 DIXON LANDING RD SPC 5		MILPITAS	CA	95035
89	RAABE BRUCE & JODE ANN	3414 STARBEND ST		SAN ANTONIO	TX	78217
90	RAMOS JENNIFER S	3336 EASY BEND DR		SAN ANTONIO	TX	78217
91	REALTY INCOME TX PROP L P	PO BOX 460069		ESCONDIDO	CA	92046
92	RESIDENTIAL MANAGEMENT INC	PO BOX 171365		SAN ANTONIO	TX	78217
93	RESORT PROPERTIES INC	2002 NW MILITARY HWY STE 1		SAN ANTONIO	TX	78213
94	ROBBINS FLORENCE L ETAL	2524 W BEVERLY BLVD		MONTEBELLO	CA	90640
95	ROBERTSON JANE MAY	12198 BULVERDE RD		SAN ANTONIO	TX	78217
96	ROJAS JOSE J & MICAELA	10607 WAYWARD DR		SAN ANTONIO	TX	78217
97	ROMPEL BRUNO & HERMINE	12133 WETMORE RD		SAN ANTONIO	TX	78247
98	SANDOVAL OFILIA V	10823 WAYWARD DR		SAN ANTONIO	TX	78217
99	SCHNEIDER HILMAR F	11911 NACOGDOCHES RD		SAN ANTONIO	TX	78217
100	SCOTT ELFREDIA	10807 WAYWARD DR		SAN ANTONIO	TX	78217
101	SHEA TERESA A & CYNTHIA M MILLER	10907 WAYWARD DR		SAN ANTONIO	TX	78217
102	NOXXE 1 LTD	970 ISOM RD		SAN ANTONIO	TX	78216

103	SLAVIN EDWARD W	202 CONWAY DR		SAN ANTONIO	TX	78209
104	SLAVIN SHELA ANN & EDWARD W JR	202 CONWAY DR		SAN ANTONIO	TX	78209
105	SLAVIN SHELIA ETAL	3724 THOUSAND OAKS DR		SAN ANTONIO	TX	78247
106	SOH M0TOCROSS LLC	223 TREASURE WAY		SAN ANTONIO	TX	78209
107	SOLIDUM ELMER & ROSARIO M	3402 HIGHTREE DR		SAN ANTONIO	TX	78217
108	STATE OF TEXAS	PO BOX 29928		SAN ANTONIO	TX	78229
109	STEHLING WILLIAM R	10823 RIVERA CV		SAN ANTONIO	TX	78249
110	STONE RIDGE SQUARE LTD	500 N WATER ST STE 1010		CORPUS CHRISTI	TX	78471
111	SUSSER PETROLEUM COMPANY LP	555 E AIRTEX DR		HOUSTON	TX	77073
112	SWEET STEVE & VALERIE ANN	10723 WAYWARD DR		SAN ANTONIO	TX	78217
113	TOBIAS MARIO A	10521 STARCREST DR		SAN ANTONIO	TX	78217
114	TORRES ARACELI	3443 HIGHTREE DR		SAN ANTONIO	TX	78217
115	TRAN MINH & HUNG	21915 LEGEND POINT DR		SAN ANTONIO	TX	78258
116	TRIAD SENIOR LIVING I LP	14160 DALLAS PKWY STE 200		DALLAS	TX	75254
117	UPTMORE JAMES H JR & TRACY D	3697 HIGHPOINT ST STE 104		SAN ANTONIO	TX	78217
118	USA MOTOR SAN ANTONIO INC	13131 WETMORE RD		SAN ANTONIO	TX	78247
119	VAUGHAN REALTY LTD	PO BOX 17258		SAN ANTONIO	TX	78217
120	VELARC PROPERTIES LP	203 TWILIGHT TERRACE ST		SAN ANTONIO	TX	78233
121	VESTAL TERRY	3419 HIGHTREE DR		SAN ANTONIO	TX	78217
122	WALLACE FRANK X JR & ANITA	12543 WETMORE RD		SAN ANTONIO	TX	78247
123	WATERFORD SQUARE INCOME	811 BARTON SPRINGS RD STE 500		AUSTIN	TX	78704
124	WATERS AT NORTHERN HILLS LLC	9879 E ACACIA DR		SCOTTSDALE	AZ	85260
125	WEAVER CHRISTOPHER M & VERONICA R	6714 RAINTREE PL		SAN ANTONIO	TX	78233
126	WETMORE BUILDING LP	10460 W SAM HOUSTON PKWY S STE 200		HOUSTON	TX	77099
127	WETMORE ROAD LTD	216 WINDING WAY DR		SAN ANTONIO	TX	78232
128	WF PARTNERSHIP LTD & D F	3303 OAKWELL CT STE 100		SAN ANTONIO	TX	78218
129	ZACHGO FAMILY TRUST	10847 EDGECREST DR		SAN ANTONIO	TX	78217
130	ZERTUCHE PEDRO J & DIANE	10635 RIMCREST DR		SAN ANTONIO	TX	78217
131	CLAMPITT PAPER COMPANY	3550 RIDGESIDE		SAN ANTONIO	TX	78217

STATEMENT OF BASIS/TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant:	Capitol Aggregates, Ltd., Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001510000 (TX0030040).
Regulated Activity:	Industrial Wastewater Permit.
Type of Application:	Major Amendment with renewal.
Request:	Major Amendment with Renewal to authorize the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfall 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003.
Authority:	Federal Clean Water Act §402; Texas Water Code §26.027; 30 TAC Chapter 305, Subchapters C-F, Chapters 307 and 319, Commission Policies; and EPA Guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed the permit be issued to expire on March 1, 2015 in accordance with 30 TAC §305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of its existing permit. The proposed amendment would authorize the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfall 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003.

PROJECT DESCRIPTION AND LOCATION

The applicant operates the San Antonio Portland Cement Plant, a portland and masonry cement manufacturer. Industrial activities at the site include: manufacture of portland and masonry cement; facilities for limestone quarrying, raw material storage and grinding, a cement manufacturing kiln and finish mills, intermediate product (clinker) and additive storage and grinding, finished product (cement) storage, solid fuel storage and milling, materials handling, and truck and railcar loading/unloading operations.

Storm water from process and non-process areas of the facility are routed to Retention Pond 1 (Outfall 001) and Retention Pond 2 and the Quarry Pond (Outfall 002). Vehicle/plant wash down water and materials/roads dust suppression water may commingle with the storm water routed to Retention Ponds 1 and 2 and the Quarry Pond. Cooling tower blowdown and air compressor condensate are routed to a tank for storage or reuse prior to being routed to Ponds 1 or 2. Most wastewaters are captured in Ponds 1 and 2 and are recycled as dust suppression water for roads and stockpiles and wash down water. Discharges from Outfalls 001 and 002 are intermittent and flow variable, typically caused by precipitation greater than the 10 year, 24 hour rainfall event. Process wastewater from cement manufacturing is completely recycled and is not discharged via Outfalls 001 or 002. Domestic sewage is discharged directly to San Antonio Water System for treatment and disposal.

The plant site is located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, Bexar County, Texas.

The effluent is discharged to unnamed tributaries of Salado Creek; thence to Salado Creek in Segment No. 1910 of the San Antonio River Basin. The unclassified receiving waters have no significant aquatic life use for unnamed tributaries of Salado Creek. The designated uses for Segment No. 1910 are high aquatic life use, contact recreation, and public water supply/aquifer protection. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Salado Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Salado Creek (Segment No. 1910) is currently listed on the State's inventory of impaired and threatened waters, the 2008 303(d) list. The impairments are for harmed fish community and harmed macrobenthic community. The impairments are from Roland Road to Rice Road (AU 1910_03) and from Highway 368 to approximately 1.5 miles upstream of Loop 410 (AU 1910_07). Upper Leon Creek (Segment 1907) is not listed on the 303(d) list.

The discharge from this facility is extremely intermittent and flow variable. The effluent from the facility will be screened against the criteria established in the Texas Surface Water Quality Standards (TSWQS) to be protective of aquatic life in Salado Creek once the facility has a discharge. Based on this screening the TCEQ may reopen the permit to impose water quality-based limits to the discharge if these limits are found to be necessary to ensure protection of the aquatic life in Salado Creek. Due to the extremely infrequent discharge from the facility, the distance of the facility in stream miles from the segments listed as impaired, the types of impairments listed for Segment No. 1910, and the application of the criteria found in the TSWQS for the protection of aquatic life, the TCEQ does not believe the discharge from this facility will further contribute to the impairment for Segment No. 1910.

On October 12, 2001, the Texas Commission on Environmental Quality (TCEQ) adopted One Total Maximum Daily Load for Dissolved Oxygen in Salado Creek. The U.S. Environmental Protection Agency (USEPA) approved the TMDL on August 8, 2003. The TMDL determined that there is additional assimilative capacity in Salado Creek for oxygen-demanding materials beyond those currently authorized. Since no load reductions are required for discharge facilities, no specific TMDL related permit conditions are required at this time.

On August 8, 2007, the Texas Commission on Environmental Quality (TCEQ) adopted Three Total Maximum Daily Loads for Bacteria in the San Antonio Area. The U.S. Environmental Protection Agency (USEPA) approved the TMDL on April 21, 2009. This document describes a project developed to address water quality impairments related to bacteria for three streams located in and around the City of San Antonio: Salado Creek, Segment 1910; Walzem Creek, Segment 1910A; and the Upper San Antonio River, Segment 1911. The facility discharges on an extremely infrequent basis, and has no known sources of concern for bacteria in its process. No action has been taken in regards

to this TMDL in this draft permit.

SUMMARY OF EFFLUENT DATA

The following is a quantitative description of the discharge described in the Monthly Effluent Report data for the period September 2004 through December 2009. The "Average of Daily Avg" values presented in the following table are the average of all daily average values for the reporting period for each parameter. The "Maximum of Daily Max" values presented in the following table are the individual maximum values for the reporting period for each parameter:

Flow

Outfall	Frequency	Average of Daily Avg (MGD)	Maximum of Daily Max (MGD)
001	Intermittent	0.079	11.3
002	Intermittent	No discharge	No discharge
003	Intermittent	0.714	10.02

Effluent Characteristics

Outfall	Parameter	Average of Daily Avg. mg/l	Maximum of Daily Max.mg/l
001	Total Suspended Solids	0.23	25
	Chemical Oxygen Demand	N/A	No data reported
	pH standard units (s.u.)	8.2 s.u. (min)	8.6 s.u. (max)
002	Total Suspended Solids	N/A	No discharge
	Chemical Oxygen Demand	N/A	No discharge
	pH standard units (s.u.)	N/A	No discharge
003	Total Suspended Solids	0.59	24
	Chemical Oxygen Demand	N/A	No data reported
	Dissolved Oxygen (min)	7.5 (daily avg.)	6.5 (daily min)
	pH standard units (s.u.)	7.56 s.u. (min)	8.47 s.u. (max)

The facility's compliance history indicates notices of violation (NOV) for exceeding permit parameters during the period reviewed above. All NOVs are for violating the dissolved oxygen daily average minimum limit of 2.0 mg/L at Outfall 003. These reported violations occurred during November and December of 2004, January and February of 2005, and July, August, September, October, and November of 2007. However, a review of the data reported for dissolved oxygen indicates that the facility was actually meeting the permitted effluent limit. It is believed these NOVs are due to issues regarding inputting dissolved oxygen minimum limits into the TCEQs electronic coding system. The TCEQ does not believe these violations indicate a compliance issue at the facility. The facility also has requested removal of Outfall 003 from the draft permit, therefore, no additional changes have been made to the draft permit in response to these violations. There was no data reported for chemical oxygen demand (COD) at Outfalls 001 or 003. The facility indicated on the discharge monitoring reports (DMRs) that there was no discharge via Outfalls 001 and 003 for the reporting period for COD in 2004 and 2006, no data is present for 2005, and no data was received for 2007-2009.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air conditioner condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water on an intermittent and flow variable basis via Outfall 001 and 002.

Final effluent limitations are established in the draft permit as follows:

Outfall Number	Pollutant	Daily Average	Daily Maximum
001	Flow (MGD)	(Report)	(Report)
	Total Suspended Solids	N/A	50 mg/L
	Chemical Oxygen Demand	N/A	250 mg/L
	Inlet Temperature (°F)	(Report)	(Report)
	Outfall Temperature (°F)	(Report)	(Report)
	Temperature Rise (°F) (Outfall Temp. – Inlet Temp.)	N/A	(5.5)
	pH	Between 6.0 and 9.0 standard units.	
002	Flow (MGD)	(Report)	(Report)
	Total Suspended Solids	N/A	50 mg/L
	Chemical Oxygen Demand	N/A	250 mg/L
	pH	Between 6.0 and 9.0 standard units.	

Effluent limitations for chemical oxygen demand at Outfalls 001 and 002 are continued from the existing permit based on best profession judgment (BPJ).

Effluent limits for total suspended solids and pH at Outfalls 001 and 002 have been continued from the existing permit and are based on 40 CFR 411, Cement Manufacturing, Subpart C, Material Storage Pile Runoff. Inlet and outfall temperature monitoring and reporting requirements and the limit placed in the temperature rise between inlet temperature and outfall temperature have been placed in the draft permit based on 40 CFR 411, Cement Manufacturing, Subpart A, Nonleaching Subcategory. See Appendix B for further discussion of 40 CFR 411 calculations.

SUMMARY OF CHANGES FROM APPLICATION

- Added Other Requirement No. 9 to the draft permit which requires the permittee to collect samples from the first two (2) available discharges from the facility and submit the results to the TCEQ for review.

- Monitoring and reporting requirements for inlet temperature from the storage ponds and outfall temperature, and a limit of 5.5 °F on the difference between the outfall and the inlet temperature values have been added to Page 2 of the draft permit at Outfalls 001 and 002 based on 40 CFR 411, Subpart A. Other Requirement No. 8 has been added to the draft permit to provide guidance for this new requirement.

See the next section for additional changes to the existing permit.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0001510000

SUMMARY OF CHANGES FROM EXISTING PERMIT

- The permittee requested the following changes in their amendment request that the Executive Director has recommended granting.
- The applicant has requested that cooling tower blowdown, air compressor condensate, facility sink wastewater, and dust suppression water from the primary crusher be added to the list of authorized discharges for both Outfalls 001 and 002. This request has been granted. Other Requirement No. 3, Item b. has been revised to no longer restrict the discharge of cooling tower blowdown. 40 CFR 411, Subpart A has now been applied to the discharge via Outfalls 001 and 002 due to the addition of cooling tower blowdown and dust suppression water from the primary cursher.
- The applicant has requested Outfall 003 be removed from the draft permit. The wastewaters that previously discharged via Outfall 003 are now dicharged via Outfall 002.

The follwing additional changes have been made to the draft permit.

Other Requirement No. 7 has been revised to correct a typographical error and has been correct and to read "Rainfall Frequency Atlas of the United States".

BASIS FOR PROPOSED DRAFT PERMIT

The following items were considered in developing the proposed permit draft:

1. Application submitted September 3, 2009, and additional data submitted via electronic mail dated March 1, 2010, and March 8, 2010.
2. Existing permits: TPDES Permit No. WQ0001510000 issued March 30, 2005.
3. TCEQ Rules.
4. Texas Surface Water Quality Standards - 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002.
5. "Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.
6. Memos from the Water Quality Standards Team and the Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
7. "Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits," TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
8. EPA Effluent Guidelines: 40 CFR 411, Subparts A and C (BPT). A new source determination was performed and the discharge of cooling tower blowdown, dust suppression water from the primary crusher and materials storage runoff is not a new source as defined at 40 CFR Section 122.2.
9. Consistency with the Coastal Management Plan: N/A

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding. After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact Tres Koenings at (512) 239-1189.

Tres Koenings

3/29/10
Date

STATEMENT OF BASIS / TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0001510000

Appendix A
Calculated Water Quality-Based Effluent Limits

The current permit authorizes discharge from Retention pond 1, pond 2, and the Quarry Pond through Outfalls 001, 002, and 003 respectively. The proposed draft permit will eliminate outfall 003. The facility only reported one discharge via Outfall 001 during the previous five years. Therefore, due to the lack of sufficient flow data, the reported flow during the single discharge reported for Outfall 001 on 11/30/2004 has been used to perform the calculations below.

TEXTOX MENU #2 - INTERMITTENT STREAM WITHIN 3 MILES OF A FRESHWATER PERENNIAL STREAM/RIVER

The water quality-based effluent limitations demonstrated below are calculated using:

Table 1, 2000 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 3, 2000 Texas Surface Water Quality Standards for Human Health
Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003

PERMITTEE INFORMATION

Permittee Name:	CAPITOL AGGREGATES LTD
TPDES Permit No.:	WQ0001510000
Outfall No.:	001 and 002
Prepared by:	Tres Koenings
Date:	December 11, 2009

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	unnamed tributaries of Salado Creek
Segment No.:	1910
TSS (mg/L):	4
pH (Standard Units):	7.17
Hardness (mg/L as $CaCO_3$):	204
Chloride (mg/L):	45
Effluent Flow for Aquatic Life (MGD):	11.3
Critical Low Flow [7Q2] (cfs) for intermittent:	0
Critical Low Flow [7Q2] (cfs) for perennial:	.10
Percent Effluent for Mixing Zone:	99.43
Percent Effluent for Zone of Initial Dilution:	100
Effluent Flow for Human Health (MGD):	4.5
Harmonic Mean Flow (cfs) for perennial:	.13
Percent Effluent for Human Health:	98.167
Public Water Supply Use?:	Yes

CALCULATE TOTAL/DISSOLVED RATIO:

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partitioning Coefficient (Kpo)*	*Dissolved Fraction (Cd/Ci)*		*Water Effects Ratio (WER)*	
Aluminum	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Arsenic	5.68	-0.73	173978.75	0.59		1	Assumed
Cadmium	6.6	-1.13	831136.22	0.23		1	Assumed
Chromium (Total)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+3)	6.52	-0.93	912187.69	0.22		1	Assumed
Chromium (+6)	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Copper	6.02	-0.74	375383.87	0.40		1	Assumed
Lead	6.45	-0.8	929719.64	0.21		1	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1	Assumed
Nickel	5.69	-0.57	222241.83	0.53		1	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1	Assumed

Silver	6.38	-1.03	575278.59	0.30	1	Assumed
Zinc	6.1	-0.7	477043.53	0.34	1	Assumed

AQUATIC LIFE
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	*Acute Standard (ug/L)*	*Chronic Standard (ug/L)*	*WLAa*	*WLAc*	*LTAa*	*LTAc*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Aldrin	3	N/A	3.000	N/A	1.719	N/A	2.527	5.346
Aluminum	991	N/A	991.000	N/A	567.843	N/A	834.729	1765.992
Arsenic	360	190	610.529	324.067	349.833	249.531	366.811	776.043
Cadmium	73.264	1.805	316.833	7.849	181.545	6.044	8.884	18.796
Carbaryl	2	N/A	2.000	N/A	1.146	N/A	1.685	3.564
Chlordane	2.4	0.0043	2.400	0.004	1.375	0.003	0.005	0.010
Chlorpyrifos	0.083	0.041	0.083	0.041	0.048	0.032	0.047	0.099
Chromium (+3)	983.903	319.168	4573.919	1492.219	2620.856	1149.008	1689.042	3573.416
Chromium (+6)	15.700	10.6	15.700	10.661	8.996	8.209	12.067	25.529
Copper	36.072	23.000	90.235	57.865	51.705	44.556	65.498	138.570
Cyanide	45.78	10.69	45.780	10.751	26.232	8.278	12.169	25.746
4,4'-DDT	1.1	0.001	1.100	0.001	0.630	0.001	0.001	0.002
Dementon	N/A	0.1	N/A	0.101	N/A	0.077	0.114	0.241
Dicofol	59.3	19.8	59.300	19.913	33.979	15.333	22.540	47.686
Dieldrin	2.5	0.0019	2.500	0.002	1.433	0.001	0.002	0.005
Diuron	210	70	210.000	70.400	120.330	54.208	79.686	168.588
Endosulfan I (alpha)	0.22	0.056	0.220	0.056	0.126	0.043	0.064	0.135
Endosulfan II (beta)	0.22	0.056	0.220	0.056	0.126	0.043	0.064	0.135
Endosulfan sulfate	0.22	0.056	0.220	0.056	0.126	0.043	0.064	0.135
Endrin	0.18	0.0023	0.180	0.002	0.103	0.002	0.003	0.006
Guthion	N/A	0.01	N/A	0.010	N/A	0.008	0.011	0.024
Heptachlor	0.52	0.0038	0.520	0.004	0.298	0.003	0.004	0.009
Hexachlorocyclohexane (Lindane)	2	0.08	2.000	0.080	1.146	0.062	0.091	0.193
Lead	179.883	6.245	848.848	29.638	486.390	22.821	33.547	70.973
Malathion	N/A	0.01	N/A	0.010	N/A	0.008	0.011	0.024
Mercury	2.400	1.3	2.400	1.307	1.375	1.007	1.480	3.131
Methoxychlor	N/A	0.03	N/A	0.030	N/A	0.023	0.034	0.072
Mirex	N/A	0.001	N/A	0.001	N/A	0.001	0.001	0.002
Nickel	2587.190	287.328	4887.117	545.858	2800.318	420.311	617.857	1307.166
Parathion (ethyl)	0.065	0.013	0.065	0.013	0.037	0.010	0.015	0.031
Pentachlorophenol	10.760	6.793	10.760	6.832	6.166	5.260	7.733	16.360
Phenanthrene	30	30	30.000	30.172	17.190	23.232	25.269	53.461
Polychlorinated Biphenyls (PCBs)	2	0.014	2.000	0.014	1.146	0.011	0.016	0.034
Selenium	20	5	20.000	5.029	11.460	3.872	5.692	12.042
Silver, (free ion)	0.8	N/A	10.494	N/A	6.013	N/A	8.839	18.700
Toxaphene	0.78	0.0002	0.780	0.000	0.447	0.000	0.000	0.000
Tributlytin (TBT)	0.13	0.024	0.130	0.024	0.074	0.019	0.027	0.058
2,4,5 Trichlorophenol	136	64	136.000	64.366	77.928	49.562	72.856	154.137
Zinc	209.390	191.205	608.942	559.237	348.924	430.612	512.918	1085.153

HUMAN HEALTH
CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS

Parameter	*Water and FW Fish (ug/L)*	*FW Fish Only (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Acrylonitrile	1.28	10.9	1.304	1.213	1.783	3.771
Aldrin	0.00408	0.00426	0.004	0.004	0.006	0.012
Arsenic	50	N/A	86.379	80.332	118.089	249.834
Barium	2000	N/A	2037.343	1894.729	2785.252	5892.607

Parameter	*Water and FW Fish (ug/L)*	*FW Fish Only (ug/L)*	*WLAh*	*LTAh*	*Daily Avg. (ug/L)*	*Daily Max. (ug/L)*
Benzene	5	106	5.093	4.737	6.963	14.732
Benzidine	0.00106	0.00347	0.001	0.001	0.001	0.003
Benzo(a)anthracene	0.099	0.81	0.101	0.094	0.138	0.292
Benzo(a)pyrene	0.099	0.81	0.101	0.094	0.138	0.292
Bis(chloromethyl)ether	0.00462	0.0193	0.005	0.004	0.006	0.014
Cadmium	5	N/A	22.026	20.485	30.112	63.707
Carbon Tetrachloride	3.76	8.4	3.830	3.562	5.236	11.078
Chlordane	0.021	0.0213	0.021	0.020	0.029	0.062
Chlorobenzene	776	1380	790.489	735.155	1080.678	2286.332
Chloroform	100	1292	101.867	94.736	139.263	294.630
Chromiumd	100	3320	473.555	440.406	647.397	1369.663
Chrysene	0.417	8.1	0.425	0.395	0.581	1.229
Cresols	3313	13116	3374.859	3138.618	4613.769	9761.103
Cyanide	200	N/A	203.734	189.473	278.525	589.261
4,4'-DDD	0.0103	0.01	0.010	0.010	0.014	0.030
4,4'-DDE	0.0073	0.007	0.007	0.007	0.010	0.022
4,4'-DDT	0.0073	0.007	0.007	0.007	0.010	0.022
2,4'-D	70	N/A	71.307	66.316	97.484	206.241
Danitol	0.709	0.721	0.722	0.672	0.987	2.089
Dibromochloromethane	9.2	71.6	9.372	8.716	12.812	27.106
1,2-Dibromoethane	0.014	0.335	0.014	0.013	0.019	0.041
1,3-Dichloropropene (1,3- Dichloropropylene)	22.8	161	23.226	21.600	31.752	67.176
Dieldrin	0.00171	0.002	0.002	0.002	0.002	0.005
p-Dichlorobenzene	75	N/A	76.400	71.052	104.447	220.973
1,2-Dichloroethane	5	73.9	5.093	4.737	6.963	14.732
1,1-Dichloroethylene	1.63	5.84	1.660	1.544	2.270	4.802
Dicofol	0.215	0.217	0.219	0.204	0.299	0.633
Dioxins/Furans (TCDD Equivalents)	0.000000134	0.00000014	0.000	1.27E-07	1.87E-07	3.95E-07
Endrin	1.27	1.34	1.294	1.203	1.769	3.742
Fluoride	4000	N/A	4074.686	3789.458	5570.503	11785.214
Heptachlor	0.0026	0.00265	0.003	0.002	0.004	0.008
Heptachlor Epoxide	0.159	1.1	0.162	0.151	0.221	0.468
Hexachlorobenzene	0.0194	0.0198	0.020	0.018	0.027	0.057
Hexachlorobutadiene	2.99	3.6	3.046	2.833	4.164	8.809
Hexachlorocyclohexane (alpha)	0.163	0.413	0.166	0.154	0.227	0.480
Hexachlorocyclohexane (beta)	0.57	1.45	0.581	0.540	0.794	1.679
Hexachlorocyclohexane (gamma) (Lindane)	0.2	2	0.204	0.189	0.279	0.589
Hexachloroethane	84.2	278	85.772	79.768	117.259	248.079
Hexachlorophene	0.0531	0.053	0.054	0.050	0.074	0.156
Lead	4.98	25.3	23.939	22.263	32.727	69.238
Mercury	0.0122	0.0122	0.012	0.012	0.017	0.036
Methoxyclor	2.21	2.22	2.251	2.094	3.078	6.511
Methyl Ethyl Ketone	52900	9940000	53887.721	5.01E+04	7.37E+04	1.56E+05
Nitrate-Nitrogen (as Total Nitrogen)	10000	N/A	10186.715	9473.64	13926.26	29463.035
Nitrobenzene	37.3	233	37.996	35.337	51.945	109.897
N-Nitrosodiethylamine	0.0382	7.68	0.039	0.036	0.053	0.113
N-Nitroso-di-n-Butylamine	1.84	13.5	1.874	1.743	2.562	5.421
PCB's (Polychlorinated Biphenyls)	0.0013	0.0013	0.001	0.001	0.002	0.004
Pentachlorobenzene	6.1	6.68	6.214	5.779	8.495	17.972
Pentachlorophenol	1	135	1.019	0.947	1.393	2.946
Pyridine	88.1	13333	89.745	83.463	122.690	259.569
Selenium	50	N/A	50.934	47.368	69.631	147.315
1,2,4,5-Tetrachlorobenzene	0.241	0.243	0.245	0.228	0.336	0.710
Tetrachloroethylene	5	323	5.093	4.737	6.963	14.732
Toxaphene	0.005	0.014	0.005	0.005	0.007	0.015

2,4,5-TP (Silvex)	47	50.3	47.878	44.526	65.453	138.476
2,4,5-Trichlorophenol	953	1069	970.794	902.838	1327.172	2807.827
Trichloroethylene	5	612	5.093	4.737	6.963	14.732
1,1,1-Trichloroethane	200	12586	203.734	189.473	278.525	589.261
TTHM (Sum of Total Trihalomethanes)	100	N/A	101.867	94.736	139.263	294.630
Vinyl Chloride	2	415	2.037	1.895	2.785	5.893

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS

Parameter	*70%*	*85%*
Aquatic Life		
Aldrin	1.769	2.148
Aluminum	584.310	709.520
Arsenic	256.768	311.790
Cadmium	6.219	7.552
Carbaryl	1.179	1.432
Chlordane	0.003	0.004
Chlorpyrifos	0.033	0.040
Chromium (+3)	1182.330	1435.686
Chromium (+6)	8.447	10.257
Copper	45.848	55.673
Cyanide	8.518	10.344
4,4'-DDT	0.001	0.001
Dementon	0.080	0.097
Dicofol	15.778	19.159
Dieldrin	0.002	0.002
Diuron	55.780	67.733
Endosulfan (alpha)	0.045	0.054
Endosulfan (beta)	0.045	0.054
Endosulfan sulfate	0.045	0.054
Endrin	0.002	0.002
Guthion	0.008	0.010
Heptachlor	0.003	0.004
Hexachlorocyclohexane (Lindane)	0.064	0.077
Lead	23.483	28.515
Malathion	0.008	0.010
Mercury	1.036	1.258
Methoxychlor	0.024	0.029
Mirex	0.001	0.001
Nickel	432.500	525.178
Parathion (ethyl)	0.010	0.013
Pentachlrophenol	5.41E+00	6.57E+00
Phenanthrene	17.689	21.479
Polychlorinated Biphenyls (PCBs)	0.011	0.014
Selenium	3.984	4.838
Silver, (free ion)	6.187	7.513
Toxaphene	0.000	0.000
Tributlytin (TBT)	0.019	0.023
2,4,5 Trichlorophenol	50.999	61.928
Zinc	359.043	435.980
Human Health		
Acrylonitrile	1.248	1.515
Aldrin	0.004	0.005
Arsenic	8266.21	100.375
Barium	194967.61	2367.46
Benzene	4.874	5.919

Benzidine	0.001	0.001
Benzo(a)anthracene	0.097	0.117
Benzo(a)pyrene	0.097	0.117
Bis(chloromethyl)ether	0.005	0.005
Cadmium	2107.865	25.596
Carbon Tetrachloride	3.665	4.451
Chlordane	0.020	0.025
Chlorobenzene	756.474	918.576
Chloroform	97.484	118.373
Chromiumd	453.178	550.287
Chrysene	0.407	0.494
Cresols	3229.638	3921.704
Cyanide	194.968	236.746
4,4'-DDD	0.010	0.012
4,4'-DDE	0.007	0.009
4,4'-DDT	0.007	0.009
2,4'-D	6823.866	82.861
Danitol	0.691	0.839
Dibromochloromethane	8.969	10.890
1,2-Dibromoethane	0.014	0.017
1,3-Dichloropropene (1,3- Dichloropropylene)	22.226	26.989
Dieldrin	0.002	0.002
p-Dichlorobenzene	7311.285	88.780
1,2-Dichloroethane	4.874	5.919
1,1-Dichloroethylene	1.589	1.929
Dicofol	0.210	0.255
Dioxins/Furans (TCDD Equivalents)	1.31E-07	1.59E-07
Endrin	1.238	1.503
Fluoride	389935.21	4734.93
Heptachlor	0.003	0.003
Heptachlor Epoxide	0.155	0.188
Hexachlorobenzene	0.019	0.023
Hexachlorobutadiene	2.915	3.539
Hexachlorocyclohexane (alpha)	0.159	0.193
Hexachlorocyclohexane (beta)	0.556	0.675
Hexachlorocyclohexane (gamma) (Lindane)	0.195	0.237
Hexachloroethane	82.081	99.670
Hexachlorophene	0.052	0.063
Lead	22.909	27.818
Mercury	0.012	0.014
Methoxyclor	2.154	2.616
Methyl Ethyl Ketone	5.16E+04	6.26E+04
Nitrate-Nitrogen (as Total Nitrogen)	9.75E+05	1.18E+04
Nitrobenzene	36.361	44.153
N-Nitrosodiethylamine	0.037	0.045
N-Nitroso-di-n-Butylamine	1.794	2.178
PCB's (Polychlorinated Biphenyls)	1.27E-03	1.54E-03
Pentachlorobenzene	5.947	7.221
Pentachlorophenol	0.975	1.184
Pyridine	85.883	104.287
Selenium	4874.190	59.187
1,2,4,5-Tetrachlorobenzene	0.235	0.285
Tetrachloroethylene	4.874	5.919
Toxaphene	0.005	0.006
2,4,5-TP (Silvex)	45.817	55.635
2,4,5-Trichlorophenol	929.021	1128.096
Trichloroethylene	4.874	5.919

1,1,1-Trichloroethane	194.968	236.746
TTHM (Sum of Total Trihalomethanes)	9748.380	118.373
Vinyl Chloride	1.950	2.367

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0001510000

APPENDIX B
CALCULATED TECHNOLOGY BASED EFFLUENT LIMITATIONS

40 CFR 411, Subpart A, Nonleaching Subcategory

The discharge of wastewater resulting from the process in which several different mineral ingredients are used in manufacturing cement via the non-leaching process, is regulated at 40 CFR Part 411, Cement Manufacturing Point Source Category, Subpart A, Nonleaching Subcategory.

40 CFR 411.12 – Effluent Limitations, BPT

Parameter	Daily Average	Daily Maximum
Total Suspended Solids	N/A	0.005 lbs / 1,000 lbs of product
Temperature	not to exceed 3 °C rise above inlet temperature	
pH	Between 6.0 and 9.0 standard units*	

Production data from the facility: ~958,931 tons of product per year.

(958,931 tons/year) * (2,000 lbs/ton) = 1,917,862,000 lbs/year

(1,917,862,000 lbs/year) / (365 day/year) = 5,254,416 lbs/day of product

5,254,416 lbs/day of product / 1,000 = 5,254 - K lbs of product

Total Suspended Solids Limitation calculation:

0.005 lbs TSS / 1,000 lbs of product

0.005 * 5,254 = **26 lbs/day**

Temperature:

The temperature rise between the inlet and the outfall shall not be greater than 3 °C. Temperature monitoring and reporting requirements have been imposed at the point where water is pumped from the storage ponds for use at the facility and at Outfalls 001 and 002, where the storage ponds discharge. The facility is required to monitor both of these temperature values and subtract the inlet temperature value from the outfall temperature value and report the difference. Per the EPA's Development Document for Effluent Limitations and Guidelines and New Source Performance Standards for the Cement Manufacturing Category a 3 °C temperature rise is equivalent to a 5.5 °F difference. Therefore, the effluent limit has been set at a difference of no greater than 5.5 °F. Since the facility is operated for the most part as a closed loop system, with only one reported discharge occurring from the facility in the previous five years. The monitoring requirement for the inlet temperature is only required to be taken on those days when discharge occurs.

40 CFR 411, Subpart C, Material Storage Pile Runoff Subcategory

The discharge of material storage pile runoff is regulated at 40 CFR Part 411, Cement Manufacturing Point Source Category, Subpart C, Materials Storage Pile Runoff Subcategory.

The following definitions and effluent limitations are applicable to the discharge of materials storage runoff at Outfalls 001 and 002:

40 CFR 411.31 - Definitions

The term 10 year, 24 hour rainfall event shall mean a rainfall event with a probable recurrence interval of once in ten years as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

40 CFR 411.32 - Effluent Limitations, BPT

Parameter	Daily Average	Daily Maximum	Single Grab
Total Suspended Solids	N/A	50 mg/L*	N/A
pH	Between 6.0 and 9.0 standard units*		

*These effluent limitations are not applicable when a discharge is caused by an extreme rainfall event from a retention pond that is designed, constructed, and operated to contain the 10-year, 12-hour rainfall event.

The discharge at Outfalls 001 and 002 consists of variable volumes of material storage pile runoff, vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air conditioner condensate, water from facility sinks, dust suppression water from the primary crusher, and storm water. The applicant has indicated that over 99% of the water discharged is storm water runoff from the material storage piles with the other wastewaters representing the remaining discharge to the storage ponds. Also, this facility is operated as a closed loop system employing water recycling as much as possible. Discharges from the facility's ponds are only in response to extreme storm events. Since the wastewater discharged is overwhelmingly recycled storm water runoff with deminimus amounts of other plant wastewaters, the existing effluent limit for TSS based on the discharge of material pile runoff have been continued from the existing permit. No additional TSS allocations have been provided due to the presence of vehicle/plant wash water, road dust suppression water, cooling tower blowdown, air conditioner condensate, water from facility sinks, and dust suppression water from the primary crusher in the final TSS effluent limit calculation. Therefore, the following effluent set for TSS at Outfalls 001 and 002 has been assigned to the total discharge based on best professional judgment and continued from the existing permit.

Parameter	Daily Average	Daily Maximum	Single Grab
Total Suspended Solids	N/A	50 mg/L*	75 mg/L*

*These effluent limitations are not applicable when a discharge is caused by an extreme rainfall event from a retention pond that is designed, constructed, and operated to contain the 10-year, 12-hour rainfall event.